**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF OHIO**
**EASTERN DIVISION**

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| MINUTE MEN, INC. and MINUTE MEN SELECT, INC., on behalf of itself and all others similarly situated,<br><br>Plaintiffs,<br><br>v.<br><br>PURDUE PHARMA L.P.; PURDUE PHARMA INC.; THE PURDUE FREDERICK COMPANY, INC.; TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; JOHNSON & JOHNSON; JANSSEN PHARMACEUTICALS, INC.; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; JANSSEN PHARMACEUTICA, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; ENDO PHARMACEUTICALS INC.; ALLERGAN PLC F/K/A ACTAVIS PLC; ACTAVIS, INC. F/K/A WATSON PHARMACEUTICALS, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. F/K/A WATSON PHARMA, INC.; ENDO HEALTH SOLUTIONS INC.; INSYS THERAPEUTICS, INC.; MCKESSON CORPORATION; CARDINAL HEALTH, INC.; AMERISOURCEBERGEN CORPORATION; RUSSELL PORTENOY; PERRY FINE; SCOTT FISHMAN; and LYNN WEBSTER,<br><br>Defendants. | Case No. 1:18-cv-00688<br><br>Action Filed: February 21, 2018<br>Action Served: February 22, 2018 |

**DEFENDANTS ENDO HEALTH SOLUTIONS INC. AND**
**ENDO PHARMACEUTICALS INC.'S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453, defendants Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. (collectively, "Endo") hereby give notice of removal of this action, captioned *Minute Men, Inc. and Minute Men Select, Inc. v. Purdue Pharma L.P. et al.*, bearing case number CV 18 893314, from the Court of Common Pleas for Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio. Pursuant to 28 U.S.C. § 1446(a), Endo provides the following statement of the grounds for removal:

**INTRODUCTION**

1. This putative class action is one of many related lawsuits filed by the same group of plaintiff lawyers in Ohio state court against the same group of defendants: manufacturers of FDA-approved prescription opioid medications, four physicians, and distributors of opioid products. In each case, the plaintiff alleges that the same group of manufacturers, along with the same four physicians, unlawfully promoted opioid medications by misrepresenting their risks. Each plaintiff also asserts separate claims against distributors resting on entirely different factual allegations having nothing to do with promotion of opioid medications or misrepresentations regarding their risks. The claims against the distributors, rather, center on an alleged failure to report suspicious orders of opioid products to authorities.

2. While the claims against the manufacturers and four physicians are wholly distinct from the claims against the distributors, there is a straightforward reason that the plaintiff lawyers continue to lump these disparate claims together: to try to defeat diversity jurisdiction. None of the manufacturers or physicians are Ohio citizens, but one distributor is.

3. Federal jurisdiction cannot be so easily evaded, particularly where putative class claims are asserted. Under the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d), only

minimal diversity—*i.e.*, diversity of citizenship between at least one defendant and one putative class member—is needed for federal jurisdiction.

4. Indeed, the grounds for removal here are identical to another opioid-related putative class action filed by these same plaintiff lawyers in Ohio state court and removed to this Court. *See Richland County Children's Services v. Purdue Pharma L.P. et al.*, No. 1:17-cv-02185-DAP (N.D. Ohio), Doc. 1 (Not. of Removal). Specifically, jurisdiction exists under CAFA because (1) there is minimal diversity between the parties; (2) there are at least 100 putative class members; and (3) the amount in controversy exceeds $5,000,000, exclusive of interest and costs. Separate and apart from CAFA, this Court has jurisdiction under 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between plaintiffs, on the one hand, and the manufacturer and physician defendants, on the other, and the citizenship of the distributor defendants, one of which is non-diverse, should be ignored because they are severable under Rule 21 and fraudulently misjoined. *See id.* At least 11 other similar opioid-related cases filed by these same plaintiff lawyers have been removed to Ohio federal courts on the same theory of complete diversity.[1]

[1] *See City of Parma v. Purdue Pharma L.P. et al.*, No. 1:17-cv-01872-DAP (N.D. Ohio), Doc. 1 (Not. of Removal); *City of Lorain v. Purdue Pharma L.P. et al.*, No. 1:17-cv-01639-DAP (N.D. Ohio), Doc. 1 (Not. of Removal); *County of Cuyahoga v. Purdue Pharma L.P. et al.*, No. 1:17-cv-02482-DAP (N.D. Ohio), Doc. 1 (Not. of Removal); *City of Toledo v. Purdue Pharma L.P. et al.*, No. 3:17-cv-02516-JJH (N.D. Ohio), Doc. 1 (Not. of Removal); *County of Lake v. Purdue Pharma L.P. et al.*, No. 1:18-cv-00089 (N.D. Ohio), Doc. 1 (Not. of Removal); *County of Ashtabula v. Purdue Pharma L.P. et al.*, No. 1:18-cv-0100 (N.D. Ohio), Doc. 1 (Not. of Removal); *County of Lorain v. Purdue Pharma L.P. et al.*, No. 1:18-cv-00145 (N.D. Ohio), Doc. 1 (Not. of Removal); *County of Trumbull v. Purdue Pharma L.P. et al.*, No. 4:18-cv-00147 (N.D. Ohio), Doc. 1 (Not. of Removal); *Sandusky County Board of Commissioners v. Purdue Pharma L.P. et al.*, No. 3:18-cv-00593 (N.D. Ohio), Doc. 1 (Not. of Removal); *County of Jefferson v. Purdue Pharma L.P. et al.*, No. 2:18-cv-00037 (S.D. Ohio), Doc. 1 (Not. of Removal); *City of Dayton v. Purdue Pharma L.P., et al.*, No. 3:17-cv-00229-TMR (S.D. Ohio), Doc. 1 (Not. of Removal).

5. Importantly, moreover, on December 5, 2017, the Judicial Panel on Multidistrict Litigation ("JPML") created a Multidistrict Litigation ("MDL") in this Court that would include this case and the many others like it, *i.e.*, cases in which plaintiffs allege that "manufacturers of prescription opioid medications overstated the benefits and downplayed the risks of the use of their opioids and aggressively marketed (directly and through key opinion leaders) these drugs to physicians." *In re Nat'l Prescription Opiate Litig.*, MDL No. 2804, Doc. 328 (Dec. 5, 2017 Transfer Order) (attached as **Exhibit 1**).

6. The *Richland County Children's Services* action, which was removed to this Court on identical grounds as this action, was transferred to the MDL *with a pending remand motion*. *See Richland County Children's Services v. Purdue Pharma L.P. et al.*, No. 1:17-cv-02185-DAP (N.D. Ohio), Doc. 35 (Transfer Order). Moreover, at least nine similar opioid-related actions removed to Ohio federal courts have been transferred to the MDL prior to resolution of any remand motions.[2]

7. The MDL court has indicated that it will address these remand motions in the coordinated proceeding. *See In re Nat'l Prescription Opiate Litig.*, No. 1:17-md-02804-DAP (N.D. Ohio), Doc. 4 (Dec. 14, 2017 Minutes & Scheduling Order) at 2. As one district court recently explained in staying a similar case filed by these plaintiff lawyers pending transfer to the MDL, the MDL court "has indicated [its] desire to address motions to remand collectively, as several other actions in the [MDL] have also named non-diverse defendants. Thus, this [c]ourt

[2] *See City of Parma v. Purdue Pharma L.P. et al.*, No. 1:17-cv-01872-DAP (N.D. Ohio); *City of Lorain v. Purdue Pharma L.P. et al.*, No. 1:17-cv-01639-DAP (N.D. Ohio); *County of Cuyahoga v. Purdue Pharma L.P. et al.*, No. 1:17-cv-02482-DAP (N.D. Ohio); *City of Toledo v. Purdue Pharma L.P. et al.*, No. 3:17-cv-02516-JJH (N.D. Ohio); *County of Lake v. Purdue Pharma L.P. et al.*, No. 1:18-cv-00089 (N.D. Ohio); *County of Ashtabula v. Purdue Pharma L.P. et al.*, No. 1:18-cv-0100 (N.D. Ohio); *County of Lorain v. Purdue Pharma L.P. et al.*, No. 1:18-cv-00145 (N.D. Ohio); *County of Trumbull v. Purdue Pharma L.P. et al.*, No. 4:18-cv-00147 (N.D. Ohio); *City of Dayton v. Purdue Pharma L.P. et al.*, No. 3:17-cv-00229 (S.D. Ohio).

finds that a deferral of the Motion to Remand is appropriate." *County of Floyd v. Purdue Pharma L.P. et al.*, No. 7:17-cv-00186-GFVT (E.D. Ky.), Doc. 18 (Jan. 22, 2018 Order) at 4. Another district court presented with a remand motion recently reached the same conclusion in a similar opioid-related case: "Upon consideration of the fact that an MDL transfer is pending, the Court . . . finds that [the issue of whether to sever non-diverse defendants under Rule 21] should be decided by the MDL . . . to provide uniformity through the nation as to how the issue is resolved." *Estate of Brockel v. Purdue Pharma L.P. et al.*, No. 1:17-cv-00521-KD-MU (S.D. Ala.), Doc. 58 (Feb. 27, 2018 Order Granting Stay) at 11.

8. This action should be transferred to the MDL court for coordinated pretrial proceedings and resolution of any remand motion. Doing so will promote judicial economy and help ensure uniform treatment of related issues. Notably, the plaintiff lawyers who filed this action are members of the MDL Plaintiffs' Executive Committee. *In re Nat'l Prescription Opiate Litig.*, No. 1:17-md-02804-DAP (N.D. Ohio), Doc. 34 (Jan. 3, 2018 Mot. to Approve Co-Leads, Co-Liasons, & Executive Committee) at 17; *id.*, Doc. 37 (Jan. 4, 2018 Order).

**BACKGROUND**

9. On February 21, 2018, this putative class action was filed in the Court of Common Pleas for Cuyahoga County, Ohio, on behalf of Plaintiffs, Minute Men, Inc. and Minute Men Select, Inc. The Complaint (attached hereto, with process papers served upon Endo, as **Exhibit 2**) asserts claims against manufacturers of FDA-approved prescription opioid medications, four physicians, and distributors of opioid products, as follows:

a. "Manufacturer Defendants" — Endo Pharmaceuticals Inc.; Endo Health Solutions Inc.; Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals,

Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Allergan plc f/k/a Actavis plc; Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; and Insys Therapeutics, Inc.

b. "Physician Defendants" — Russell Portenoy; Perry Fine; Scott Fishman; and Lynn Webster.

c. "Distributor Defendants" — McKesson Corporation; Cardinal Health, Inc. ("Cardinal"); and AmerisourceBergen Corporation.[3]

10. Like many cases previously removed to this Court and included in the MDL, the thrust of this Complaint is that the Manufacturer Defendants and Physician Defendants engaged in a marketing and promotional campaign based on misrepresentations about the risks of FDA-approved prescription opioid medications. (Compl. ¶¶ 4-12, 16, 24-43, 114-200.) Plaintiffs allege that they have spent "millions of dollars" (*id.* ¶ 251) that they would not have spent "had [Manufacturer and Physician] Defendants told the truth about the risks and benefits of" opioid medications (*id.* ¶ 201).

11. All of the Manufacturer Defendants and Physician Defendants are citizens of states or foreign states other than Ohio.

12. Unlike the allegations against the Manufacturer Defendants and Physician Defendants, none of Plaintiffs' allegations against the Distributor Defendants relate to promotion of opioid medications or misrepresentations regarding their risks. Instead, Plaintiffs make the familiar allegation that the Distributor Defendants "failed in their duty to take any action to prevent or reduce the distribution of [opioids]" or to notice and report "suspicious or alarming

[3] By consenting to this Notice of Removal, AmerisourceBergen Corporation does not concede that it is a proper party to this action, and it is not.

orders of opioid pharmaceuticals . . . to the proper authorities and governing bodies." (*Id.* ¶¶ 68, 72; *see also id.* ¶¶ 100, 112.) And again, the Complaint further alleges that the Distributor Defendants failed to "refuse to ship or supply any opioid medications to . . . Plaintiff's employees and members." (*Id.* ¶ 89.) One Distributor Defendant, Cardinal, is an Ohio citizen. (*Id.* ¶ 51.) The other Distributor Defendants are citizens of states other than Ohio. (*Id.* ¶¶ 44, 56.)

13. The Complaint asserts claims on behalf of all "Ohio self-insured funds that are third party payors of medical costs." (*Id.* ¶ 14.)

14. The Complaint asserts nine[4] causes of action against "all Defendants," although each individual claim rests almost entirely on conduct involving the Manufacturer Defendants and Physician Defendants only, on the one hand, or the Distributor Defendants only, on the other: (1) unfair consumer sales practices under Section 1345 of the Ohio Revised Code; (2) fraud; (3) unjust enrichment; (4) negligence; (5) deceptive trade practices under Chapter 4165 of the Ohio Revised Code; (6) negligence per se; (7) negligent marketing; (8) racketeering under Section 2923 of the Ohio Revised Code; and (9) injury through criminal acts under Section 2307 of the Ohio Revised Code.

15. Endo received the Complaint through service on February 22, 2018. Pursuant to 28 U.S.C. § 1446(a), a copy of all process and pleadings served on Endo is attached hereto as **Exhibit 2**. A copy of the state court docket, all orders served on Endo, and all documents filed in the state court action (other than the Complaint) is attached hereto as **Exhibit 3**.

[4] Although the last cause of action in the Complaint is titled the "Eighth Cause of Action," (Compl. ¶ 328), two separate causes of action are each titled the "Seventh Cause of Action": negligent marketing and racketeering under Chapter 2923 of the Ohio Revised Code. (*Id.* ¶¶ 281, 292.)

## VENUE AND JURISDICTION

16. Venue is proper in this Court pursuant to 28 U.S.C. §§ 115, 1391, 1441(a), and 1446(a) because the Court of Common Pleas for Cuyahoga County, Ohio, where the Complaint was filed, is a state court within the Northern District of Ohio.

17. This Court has subject matter jurisdiction pursuant to CAFA, 28 U.S.C. § 1332(d), because (1) there is minimal diversity between the parties; (2) there are at least 100 class members; and (3) the amount in controversy exceeds $5,000,000, exclusive of interest and costs. Separate and apart from CAFA, this Court also has subject matter jurisdiction under 28 U.S.C. § 1332(a) because (1) there is complete diversity of citizenship between Plaintiffs and all properly joined Defendants; (2) the amount in controversy exceeds $75,000, exclusive of interest and costs; and (3) all other requirements for removal have been satisfied.

## I. THIS COURT HAS SUBJECT MATTER JURISDICTION UNDER CAFA

18. CAFA provides for broad federal jurisdiction with a strong preference that interstate class actions be heard in federal court if properly removed. *See Graiser v. Visionworks of Am., Inc.*, 819 F.3d 277, 287 (6th Cir. 2016).

19. CAFA confers federal jurisdiction over class actions "where minimal diversity exists, the putative class has at least 100 members, and the amount in controversy exceeds $5 million." *Am. Gen. Fin. Servs. v. Griffin*, 685 F. Supp. 2d 729, 732 (N.D. Ohio 2010); *see also In re Mortg. Elec. Registration Sys., Inc.*, 680 F.3d 849, 853 (6th Cir. 2012) (same).

20. Evidentiary proof that these requirements are met need not be submitted with the notice of removal. The notice is sufficient if it constitutes a "short and plain statement of the grounds for removal." *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 553 (2014); *Aldrich v. Univ. of Phoenix, Inc.*, 661 F. App'x 384, 388 (6th Cir. 2016) (removing party

need only provide a "short and plain statement with regard to jurisdiction and removal" (quotation marks omitted)).

**A. The Parties Are Minimally Diverse**

21. This action satisfies CAFA's minimal diversity requirement. Unlike traditional diversity jurisdiction, which requires complete diversity of citizenship between the parties, CAFA requires only minimal diversity. 28 U.S.C. § 1332(d)(2)(A). This requirement is met where any member of the putative class is a citizen of a state different from any defendant. *Id.*

22. For purposes of diversity jurisdiction, a corporation is "a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business." 28 U.S.C. § 1332(c)(1).

23. Plaintiff Minute Men, Inc. is a corporation organized under the laws of Ohio with its principal place of business in Ohio. (*See* Compl. ¶¶ 1, 20, 21, 204.)

24. Plaintiff Minute Men Select, Inc. is a corporation organized under the laws of Ohio with its principal place of business in Ohio. (*Id.*)

25. Defendant Endo Health Solutions Inc. is a corporation organized under the laws of Delaware with its principal place of business in Malvern, Pennsylvania. (*Id.* ¶ 39.)

26. Defendant Endo Pharmaceuticals Inc. is a corporation organized under the laws of Delaware with its principal place of business in Malvern, Pennsylvania. (*Id.*)

27. Because Plaintiffs are citizens of Ohio, and the Endo Defendants are citizens of Delaware and Pennsylvania, CAFA's minimal diversity requirement is satisfied. *See* 28 U.S.C. § 1332(d)(2)(A).

**B. Plaintiffs' Proposed Class Includes At Least 100 Members**

28. Plaintiffs seek to represent a putative class consisting of Plaintiffs and "all Ohio self-insured funds who paid charges for a member or employee's opioid prescription and all related costs, including but not limited to, office visits, care and treatment, addiction services, and any other costs due to opioids that were prescribed and filled in Ohio for a period greater than ninety (90) continuous days." (Compl. ¶ 204(a).) Plaintiffs assert that the members of the class "are so numerous that joinder of all members would be impracticable." (*Id.* ¶ 206.)

29. Plaintiffs allege that they offer a workers' compensation program that is "paid through a self-insured fund." (*Id.* ¶ 22.) According to the Ohio Bureau of Workers' Compensation's Annual Report for the Fiscal Year 2017, there were 1,166 Ohio self-insured employers for fiscal year 2017. Each of these employers is required to maintain an account through which they pay workers' compensation claims. *See* Ohio Rev. Code § 4123.35(B)(1)(g). In light of the allegations in the Complaint, it is reasonable to infer that at least 100 of these employers qualify for Plaintiffs' class definition because they maintain a self-insured account.

30. Accordingly, the proposed class includes at least 100 members.

**C. The Amount in Controversy Exceeds $5,000,000**

31. "[A] defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold." *Dart Cherokee*, 135 S. Ct. at 554. "[W]hen a defendant seeks federal-court adjudication, the defendant's amount-in-controversy allegation should be accepted when not contested by the plaintiff or questioned by the court." *Id.* at 553. In determining whether the amount in controversy is satisfied, the Court may consider compensatory damages, as well as punitive damages. *Hayes v. Equitable Energy Res. Co.*, 266 F.3d 560, 572 (6th Cir. 2001).

32. Under CAFA, jurisdiction exists when the amount in controversy—calculated by aggregating the claims of all putative class members—exceeds $5,000,000, exclusive of interest and costs. 28 U.S.C. § 1332(d)(6).

33. Plaintiffs bring this action on behalf of a putative class of at least 100 self-insured funds (*see* Compl. ¶ 204(a)) and seek compensatory, treble, and punitive damages (*id.* Prayer for Relief ¶¶ (i)-(iii), (v)). Plaintiffs themselves allegedly spent "tens of thousands of dollars on opioids" that they would not have otherwise paid for (*id.* ¶ 201), and the putative class allegedly spent "millions of dollars [on] inappropriate prescriptions" (*id.* ¶ 251). Plaintiffs further allege that the aggregate damages of the putative class are "enormous" (*id.* ¶ 16) and are "likely in the millions of dollars" (*id.* ¶ 210; *see also id.* ¶¶ 226, 251). Accordingly, it is clear that the alleged amount in controversy exceeds $5,000,000, exclusive of interests and costs.

## II. ALTERNATIVELY, THE COURT HAS JURISDICTION BECAUSE THERE IS COMPLETE DIVERSITY OF CITIZENSHIP BETWEEN PLAINTIFFS AND THE MANUFACTURER AND PHYSICIAN DEFENDANTS

34. Separate and apart from CAFA, this Court has subject matter jurisdiction because Plaintiffs are Ohio citizens and all of the Manufacturer Defendants and Physician Defendants are citizens of states or foreign states other than Ohio, *see* Part II.A *infra*, and the citizenship of the Distributor Defendants (one of which is non-diverse) should be ignored for purposes of diversity jurisdiction, *see* Part II.B *infra*. This is because the Distributor Defendants are subject to severance under Federal Rule of Civil Procedure 21 and the fraudulent misjoinder doctrine.[5]

[5] Though only one Distributor Defendant (Cardinal) is non-diverse, the Court should sever all of the Distributor Defendants because of the common factual allegations underlying the claims against those Defendants.

### A. Plaintiffs Are Diverse from the Manufacturer and Physician Defendants

#### 1. Plaintiffs Are Citizens of Ohio

35. For purposes of diversity jurisdiction, a corporation is "a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business." 28 U.S.C. § 1332(c)(1). A partnership is a citizen of every state in which its partners are citizens. *See Americold Realty Tr. v. ConAgra Foods, Inc.*, 136 S. Ct. 1012, 1015 (2016); *Hooper v. Wolfe*, 396 F.3d 744, 748 (6th Cir. 2005).

36. For purposes of determining diversity jurisdiction, only named plaintiffs' citizenship matters; the citizenship of putative class members is irrelevant. *See Snyder v. Harris*, 394 U.S. 332, 340 (1969).

37. Plaintiff Minute Men, Inc. is a corporation organized under the laws of Ohio with its principal place of business in Ohio. (*See* Compl. ¶¶ 1, 20, 21, 204.)

38. Plaintiff Minute Men Select, Inc. is a corporation organized under the laws of Ohio with its principal place of business in Ohio. (*Id.*)

39. Accordingly, Plaintiffs are citizens of Ohio.

#### 2. None of the Manufacturer or Physician Defendants Is a Citizen of Ohio

40. Defendant Endo Health Solutions Inc. is a corporation organized under the laws of Delaware with its principal place of business in Malvern, Pennsylvania. (*Id.* ¶ 39.)

41. Defendant Endo Pharmaceuticals Inc. is a corporation organized under the laws of Delaware with its principal place of business in Malvern, Pennsylvania. (*Id.*)

42. Defendant Purdue Pharma L.P. is a limited partnership organized under the laws of Delaware, none of whose partners are citizens of Ohio. (*See id.* ¶ 24.) Its partners are Purdue Pharma Inc., a citizen of New York and Connecticut, and Purdue Holdings L.P. Purdue Holdings

L.P.'s partners are Purdue Pharma Inc., a citizen of New York and Connecticut; PLP Associates Holdings Inc., a citizen of New York and Connecticut; and PLP Associates Holdings L.P. PLP Associates Holdings L.P.'s partners are PLP Associates Holdings Inc., a citizen of New York and Connecticut; and BR Holdings Associates L.P. BR Holdings Associates L.P.'s partners are BR Holdings Associates Inc., a citizen of New York and Connecticut; Beacon Company; and Rosebay Medical Company L.P. Beacon Company's partners are Stanhope Gate Corp., a citizen of the British Virgin Islands and Jersey, Channel Islands; and Heatheridge Trust Company Limited, a citizen of Jersey, Channel Islands. Rosebay Medical Company L.P.'s partners are Rosebay Medical Company, Inc., a citizen of Delaware and Connecticut; R. Sackler, a citizen of Texas; and J. Sackler, a citizen of Connecticut.

43. Defendant Purdue Pharma Inc. is a corporation organized under the laws of New York with its principal place of business in Stamford, Connecticut.

44. Defendant The Purdue Frederick Company Inc. is a corporation organized under the laws of New York with its principal place of business in Stamford, Connecticut. (*Id.*)

45. Defendant Teva Pharmaceuticals USA, Inc. is a corporation organized under the laws of Delaware with its principal place of business in North Wales, Pennsylvania. (*Id.* ¶ 28.)

46. Defendant Cephalon, Inc. is a corporation organized under the laws of Delaware with its principal place of business in Frazer, Pennsylvania. (*Id.* ¶ 29.)

47. Defendant Johnson & Johnson is a corporation organized under the laws of New Jersey with its principal place of business in New Brunswick, New Jersey. (*Id.* ¶ 35.)

48. Defendant Janssen Pharmaceuticals, Inc. is a corporation organized under the laws of Pennsylvania with its principal place of business in Titusville, New Jersey. (*Id.*)

49. Defendant Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc. is a corporation organized under the laws of Pennsylvania with its principal place of business in Titusville, New Jersey. (*Id.*)

50. Defendant Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc. is a corporation organized under the laws of Pennsylvania with its principal place of business in Titusville, New Jersey. (*Id.*)

51. Defendant Allergan plc is a public limited company incorporated in Ireland with its principal place of business in Dublin, Ireland. (*Id.* ¶ 42.)

52. Defendant Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc. is a Nevada limited liability company. Its sole member is Allergan W.C. Holding Inc. f/k/a Actavis W.C. Holding Inc., a Delaware corporation with its principal place of business in Parsippany, New Jersey. (*Id.*)

53. Defendant Watson Laboratories, Inc. is a Nevada corporation with its principal place of business in Parsippany, New Jersey.

54. Defendant Actavis LLC is a Delaware limited liability company with its principal place of business in Parsippany, New Jersey. (*Id.*) Actavis LLC's sole member is Actavis US Holding LLC, a limited liability company organized under the laws of Delaware. Actavis US Holding LLC's sole member is Watson Laboratories, Inc., a Nevada corporation with its principal place of business in Parsippany, New Jersey.

55. Defendant Actavis Pharma, Inc., f/k/a Watson Pharma, Inc., is a Delaware corporation with its principal place of business in New Jersey. (*Id.*)

56. Defendant Insys Therapeutics, Inc. is a corporation organized under the laws of Delaware with its principal place of business in Chandler, Arizona.

57. Defendant Dr. Russell Portenoy is a citizen of New York. (*Id.* ¶ 96.)

58. Defendant Dr. Perry Fine is a citizen of Utah. (*Id.* ¶ 97.)

59. Defendant Dr. Scott Fishman is a citizen of California. (*Id.* ¶ 98.)

60. Defendant Dr. Lynn Webster is a citizen of Utah. (*Id.* ¶ 99.)

61. Accordingly, all of the Manufacturer Defendants and Physician Defendants are citizens of a state or foreign state other than Ohio.

**B. The Citizenship of the Distributor Defendants Should Be Ignored**

**1. The Distributor Defendants Should Be Severed Under Rule 21**[6]

62. Even where the face of a complaint shows a lack of complete diversity, removal based on diversity jurisdiction is nonetheless proper if the claims against the non-diverse defendants are severable under Federal Rule of Civil Procedure 21. Defendants are severable under Rule 21 if they are either unnecessary or dispensable under Rule 19, or if the claims against them are sufficiently distinct from claims against other defendants under Rule 20. Here, the Distributor Defendants should be severed on both grounds, each of which preserves diversity jurisdiction as to the Manufacturer Defendants and Physician Defendants.

63. As to Rule 19, this Court and others have repeatedly severed non-diverse defendants and denied remand as to diverse defendants where, as here, the non-diverse defendants were unnecessary and dispensable, and the claims against non-diverse and diverse defendants rested on distinct factual allegations. *See, e.g.*, *Joseph v. Baxter Int'l, Inc.*, 614 F. Supp. 2d 868, 872-74 (N.D. Ohio 2009); *DeGidio v. Centocor, Inc.*, No. 3:09CV721, 2009 WL 1867676, at *3-4 (N.D. Ohio July 8, 2009); *Kelly v. Aultman Physician Ctr.*, No. 5:13CV0994, 2013 WL 2358583, at *3 (N.D.

[6] Substantially similar severance arguments have been made in many prior opioid-related cases removed to federal courts in Ohio. *See supra* n.1 (collecting cases). A streamlined version of this argument is presented in this Notice.

Ohio May 29, 2013); *Mayfield v. London Women's Care, PLLC*, No. 15-19-DLB, 2015 WL 3440492, at *3-5 (E.D. Ky. May 28, 2015); *McElroy v. Hamilton Cty. Bd. of Educ.*, No. 1:12-cv-297, 2012 WL 12871469, at *2-3 (E.D. Tenn. Dec. 20, 2012); *Sullivan v. Calvert Mem'l Hosp.*, 117 F. Supp. 3d 702, 705-07 (D. Md. 2015); *Cooke-Bates v. Bayer Corp.*, No. 3:10-cv-261, 2010 WL 3984830, at *4 (E.D. Va. Oct. 8, 2010).

64. Severance under these circumstances is consistent with the settled principle that alleged joint tortfeasors are unnecessary parties under Rule 19 as a matter of law. *E.g.*, *Boggs v. Landmark 4 LLC*, No. 1:12 CV 614, 2012 WL 3485288, at *3 (N.D. Ohio Aug. 13, 2012).

65. Beyond Rule 19, the claims against the Distributor Defendants are also misjoined under Rule 20, which provides a distinct basis for severance. Rule 21 permits severance of claims against non-diverse defendants that do not "aris[e] out of the same transaction, occurrence, or series of transactions or occurrences" as the claims against other defendants. Fed. R. Civ. P. 20(a)(1)(A); *see Loeffelbein v. Milberg Weiss Bershad Hynes & Lerach, LLP*, No. Civ.A. 02-2435-CM, 2003 WL 21313957, at *5 (D. Kan. May 23, 2003). Courts have repeatedly severed claims against non-diverse defendants and denied remand as to diverse defendants where, as here, the claims against the non-diverse defendants were separate and distinct, and arose from different transactions or occurrences. *See, e.g.*, *Loeffelbein*, 2003 WL 21313957, at *6; *Sutton v. Davol, Inc.*, 251 F.R.D. 500, 505 (E.D. Cal. 2008); *Greene v. Wyeth*, 344 F. Supp. 2d 674, 683-85 (D. Nev. 2004); *Westley v. Progressive Specialty Ins. Co.*, No. 14-1410, 2014 WL 4489620, at *6-7 (E.D. La. Sept. 10, 2014); *Anderson v. State Farm Mut. Auto. Ins. Co.*, No. 4:08CV345-RH/WCS, 2008 WL 11366408, at *3 (N.D. Fla. Nov. 10, 2008); *Todd v. Cary's Lake Homeowners Ass'n*, 315 F.R.D. 453, 458-59 (D.S.C. 2016); *DirecTV, Inc. v. Beecher*, 296 F. Supp. 2d 937, 945 (S.D. Ind. 2003); *Randleel v. Pizza Hut of Am., Inc.*, 182 F.R.D. 542, 543 (N.D. Ill. 1998).

66. Severance is particularly appropriate here because it will enable the diverse parties to benefit from the significant efficiencies stemming from participation in coordinated MDL proceedings in this Court. *See* Exhibit 1. This Court and others across the country have repeatedly recognized the importance of these efficiencies in severing non-diverse defendants to perfect diversity jurisdiction. *E.g.*, *Baxter*, 614 F. Supp. 2d at 873; *Mayfield*, 2015 WL 3440492, at *5; *Sullivan*, 117 F. Supp. 3d at 707; *Cooke-Bates*, 2010 WL 3984830, at *4; *Sutton*, 251 F.R.D. at 505.

67. That Plaintiffs assert causes of action against "all Defendants" changes nothing. Severance is appropriate because the *factual basis* for Plaintiffs' claims against the Manufacturer Defendants and Physician Defendants (alleged misleading promotion of opioid medications) is separate and distinct from the factual basis for Plaintiffs' claims against the Distributor Defendants (alleged failure to prevent or reduce the distribution of opioid products or to report suspicious orders). *See Loeffelbein*, 2003 WL 21313957, at *6 ("While plaintiffs do not distinguish between each of the defendants in the individual counts of the petition, the counts clearly arise from two different sets of facts."); *Nelson v Aim Advisors, Inc.*, No. 01-CV-0282-MJR, 2002 WL 442189, at *3 (S.D. Ill. Mar. 8, 2002) ("Although Plaintiffs' claims against all Defendants are pled under the same legal theory, it is only in this abstract sense that Plaintiffs' claims share anything in common . . . [and] does not mean that there are common issues of law and fact sufficient to satisfy Rule 20(a)."). As in *Baxter*, if Plaintiffs want to pursue claims against the Distributor Defendants, Plaintiffs have an "adequate remedy . . . in state court." 614 F. Supp. 2d at 873.

**2. The Distributor Defendants Are Also Fraudulently Misjoined**

68. As an alternative to severance under Rule 21, the citizenship of the Distributor Defendants should be ignored for purposes of diversity jurisdiction under the fraudulent misjoinder doctrine. "Fraudulent misjoinder occurs when a plaintiff attempts to defeat removal by misjoining the unrelated claims of non-diverse party plaintiffs against a defendant, or . . . by misjoining unrelated claims of a plaintiff against non-diverse party defendants." *Baxter*, 614 F. Supp. 2d at 874 (quoting *Geffen v. Gen. Elec. Co.*, 575 F. Supp. 2d 865, 869-72 (N.D. Ohio 2008)); *see also Tapscott v. MS Dealer Serv. Corp.*, 77 F.3d 1353, 1360 (11th Cir. 1996), *abrogated on another ground in Cohen v. Office Depot, Inc.*, 204 F.3d 1069 (11th Cir. 2000).

69. In opioid-related cases like this one, federal district courts recently relied on the fraudulent misjoinder doctrine to ignore the citizenship of non-diverse defendants and deny remand based on diversity jurisdiction. *See Cty. Comm'n of McDowell Cty. v. McKesson Corp.*, 263 F. Supp. 3d 639, 647 (S.D. W. Va. 2017); *City of Huntington v. AmerisourceBergen Drug Corp.*, Civ. A. No. 3:17-01362, 2017 WL 3317300, at *4-5 (S.D. W. Va. Aug. 3, 2017); *but see Brooke Cty. Comm'n et al. v. Purdue Pharma L.P. et al.*, No. 5:18-cv-00009 (N.D. W. Va.), Doc. 23 (Feb. 23, 2018 Order).

70. To be sure, the Sixth Circuit has not yet adopted the fraudulent misjoinder doctrine, and some decisions from the Northern District of Ohio have declined to apply the doctrine. *Baxter*, 614 F. Supp. 2d at 874; *Geffen*, 575 F. Supp. 2d at 871; *Rodriguez v. Tyco Healthcare Grp., LP*, No. 1:08 GD 50327, 2008 WL 4683294, at *2 (N.D. Ohio Oct. 21, 2008).

71. Nevertheless, at least one other court within the Sixth Circuit has applied the doctrine. *Asher v. Minn. Mining & Mfg. Co.*, No. Civ.A. 04-CV-522-KKC, 2005 WL 1593941, at *7-8 (E.D. Ky. June 30, 2005). Even if the Court finds that the Distributor Defendants are not

subject to severance under Rule 21, it should find the claims against them misjoined under the fraudulent misjoinder doctrine.

72. In sum, because Plaintiffs are Ohio citizens, and because none of the properly joined Defendants is an Ohio citizen, there is complete diversity of citizenship. *See* 28 U.S.C. § 1332(a).

## III. THE AMOUNT IN CONTROVERSY EXCEEDS $75,000

73. "[A] defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold." *Dart Cherokee*, 135 S. Ct. at 554. "[W]hen a defendant seeks federal-court adjudication, the defendant's amount-in-controversy allegation should be accepted when not contested by the plaintiff or questioned by the court." *Id.* at 553.

74. Plaintiffs themselves allegedly spent "tens of thousands of dollars on opioids" that they would not have otherwise paid for. (Compl. ¶ 201.) Plaintiffs seek compensatory, treble, and punitive damages, as well as statutory penalties. (*Id.* Prayer for Relief ¶¶ (i)-(iii), (v).) It is thus clear that the alleged amount in controversy exceeds $75,000, exclusive of interest and costs.

## IV. ALL OTHER REMOVAL REQUIREMENTS ARE SATISFIED

### A. This Notice of Removal Is Timely

75. This Notice of Removal is timely filed. Endo received the Complaint through service on February 22, 2018. Because Endo filed the Notice of Removal on March 26, 2018, removal is timely. *See* 28 U.S.C. § 1446(b)(1); Fed. R. Civ. P. 6(a)(1)(C).

### B. Though Not Required, All Properly Joined And Served Defendants Consent to Removal

76. CAFA eliminates the need for the removing party to obtain the consent of other defendants. 28 U.S.C. § 1453. Nonetheless, for purposes of removal based on diversity

jurisdiction under 28 U.S.C. § 1332(a) and pursuant to 28 U.S.C. § 1446(b), all defendants who have been properly joined and served must consent to removal.

77. The following properly joined and served Defendants consent to removal, as indicated by their signing below: Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; Insys Therapeutics, Inc.; Dr. Russell Portenoy; Dr. Perry Fine; Dr. Scott Fishman; and Dr. Lynn Webster. *See City of Cleveland v. Ameriquest Mort. Sec., Inc.*, 615 F.3d 496, 501 (6th Cir. 2010) (co-defendants may consent to removal by filing a written consent).

78. The following properly joined Defendant has not been properly served, and thus its consent to removal is not required: Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc. *See id.* Nevertheless, it consents to removal. The Defendants listed in this paragraph expressly reserve, and do not waive, all defenses related to service of process and personal jurisdiction.

79. The following properly served Defendants have not been properly joined, and thus their consent to removal is not required: McKesson Corporation; Cardinal; and AmerisourceBergen Corporation. Nevertheless, they consent to removal.

80. By filing this Notice of Removal, neither Endo nor any other defendant waives any defense that may be available to them and reserve all such defenses. If any question arises as to the propriety of the removal to this Court, Endo and the remaining defendants request the

opportunity to present a brief and oral argument in support of their position that this case has been properly removed.

**CONCLUSION**

WHEREFORE, Endo hereby removes this action from the Court of Common Pleas, Cuyahoga County, to the United States District Court for the Northern District of Ohio.

DATED: March 26, 2018

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Notice of Removal* was served by regular U.S. Mail, postage prepaid, on March 26, 2018 upon the following:

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Dated: March 26, 2018

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# EXHIBIT 1

**UNITED STATES JUDICIAL PANEL**
**on**
**MULTIDISTRICT LITIGATION**

**IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION** MDL No. 2804

**TRANSFER ORDER**

**Before the Panel**:[*] Plaintiffs in 46 actions move under 28 U.S.C. § 1407 to centralize pretrial proceedings in the Southern District of Ohio or the Southern District of Illinois, but plaintiffs do not oppose centralization in the Southern District of West Virginia. These cases concern the alleged improper marketing of and inappropriate distribution of various prescription opiate medications into cities, states and towns across the country. Plaintiffs' motion includes the 64 actions listed on Schedule A,[1] which are pending in nine districts. Since plaintiffs filed this motion, the parties have notified the Panel of 115 potentially related actions.[2]

Responding plaintiffs' positions on centralization vary considerably. Plaintiffs in over 40 actions or potential tag-along actions support centralization. Plaintiffs in fifteen actions or potential tag-along actions oppose centralization altogether or oppose transfer of their action. In addition to opposing transfer, the State of West Virginia suggests that we delay transferring its case until the Southern District of West Virginia court decides its motion to remand to state court. Third party payor plaintiffs in an Eastern District of Pennsylvania potential tag-along action (*Philadelphia Teachers Health and Welfare Fund*) oppose centralization of third party payor actions. Western District of Washington plaintiff City of Everett opposes centralization and, alternatively, requests exclusion of its case. Northern District of Illinois tag-along plaintiff City of Chicago asks the Panel to defer transfer of its action until document discovery is completed.

Defendants' positions on centralization also vary considerably. The "Big Three" distributor defendants,[3] which reportedly distribute over 80% of the drugs at issue and are defendants in most cases,

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[*] Judges Lewis A. Kaplan and Ellen Segal Huvelle did not participate in the decision of this matter.

[1] Two actions included on plaintiffs' motion to centralize were remanded to state court during the pendency of the motion.

[2] These actions, and any other related actions, are potential tag-along actions. *See* Panel Rules 1.1(h), 7.1 and 7.2.

[3] AmerisourceBergen Drug Corp., AmerisourceBergen Corp., McKesson Corp., Cardinal Health 110, LLC, Cardinal Health, Inc., Cardinal Health 105, Inc., Cardinal Health 108, LLC, Cardinal Health 112, LLC, Cardinal Health 414, LLC, and Cardinal Health subsidiary The Harvard Drug

support centralization in the Southern District of West Virginia. These defendants request that the Panel either delay issuing its transfer order or delay transfer of their cases until their motions to dismiss are decided. Defendant distributor Miami-Luken also supports centralization in the Southern District of West Virginia. Multiple manufacturer defendants[4] support centralization in the Southern District of New York or the Northern District of Illinois; defendant Malinckrodt, LLC, takes no position on centralization but supports the same districts. Teva defendants[5] suggest centralization in the Eastern District of Pennsylvania or the manufacturers' preferred districts. Physician defendants[6] in three Ohio actions, who are alleged to be "key opinion leaders" paid by manufacturing defendants, do not oppose centralization in the Southern District of Ohio.

Defendants in several Southern District of West Virginia cases oppose centralization. These defendants include several smaller distributor defendants or "closed" distributors that supply only their own stores.[7] Many of these defendants specifically request exclusion of the claims against them from the MDL. Also, manufacturer Pfizer, Inc., opposes centralization and requests that we exclude any claims against it from this MDL.[8]

The responding parties suggest a wide range of potential transferee districts, including: the Southern District of West Virginia, the Southern District of Illinois, the Northern District of Illinois, the Eastern District of Missouri (in a brief submitted after the Panel's hearing), the District of New Jersey, the

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Group, L.L.C.

[4] Actavis LLC, Actavis Pharma, Inc., Allergan PLC, Allergan Finance, LLC, Allergan plc f/k/a Actavis plc, Actavis Pharma Inc. f/k/a Watson Pharma Inc., Watson Pharmaceuticals, Inc. n/k/a Actavis, Inc., and Allergan PLC f/k/a Actavis PLS, Cephalon, Inc., Endo Health Solutions, Inc., Endo Pharmaceuticals, Inc., Janssen Pharmaceutica Inc., Johnson & Johnson, Ortho-McNeil-Janssen Pharmaceuticals, Inc., Purdue Frederick Company Inc., Purdue Pharma Inc., Purdue Pharma L.P., Teva Pharmaceuticals Industries Ltd., Teva Pharmaceuticals USA, Inc., Watson Laboratories, Inc., Watson Pharmaceuticals, Inc., Janssen Pharmaceutica Inc. n/k/a Janssen Pharmaceuticals, Inc.

[5] Teva Pharmaceutical Industries, Ltd., Teva Pharmaceuticals U.S.A, Inc., Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc.

[6] Scott Fishman, M.D., Perry Fine, M.D., Lynn Webster, M.D., and Russell Portenoy, M.D.

[7] JM Smith Corp.; CVS Indiana, LLC and Omnicare Distribution Center, LLC; TopRx; Kroger Limited Partnership I, Kroger Limited Partnership II, SAJ Distributors (a Walgreens distributor for two months in 2012), Walgreen Eastern Co., Inc., and Rite Aid of Maryland, Inc.; Masters Pharmaceuticals and KeySource Medical; WalMart Stores East, LP.

[8] Pfizer specifically requests that we exclude any potential future claims against it because of its minimal involvement in the opioid market. At oral argument, counsel stated that Pfizer was not named as a defendant in any pending case. In the absence of a case before us, the Panel will not address Pfizer's argument.

Southern District of New York, the Southern District of Ohio, the Northern District of Ohio, the Eastern District of Pennsylvania, the Eastern District of Texas, the Western District of Washington and the Eastern District of Wisconsin.

After considering the argument of counsel, we find that the actions in this litigation involve common questions of fact, and that centralization in the Northern District of Ohio will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs in the actions before us are cities, counties and states that allege that: (1) manufacturers of prescription opioid medications overstated the benefits and downplayed the risks of the use of their opioids and aggressively marketed (directly and through key opinion leaders) these drugs to physicians, and/or (2) distributors failed to monitor, detect, investigate, refuse and report suspicious orders of prescription opiates. All actions involve common factual questions about, *inter alia*, the manufacturing and distributor defendants' knowledge of and conduct regarding the alleged diversion of these prescription opiates, as well as the manufacturers' alleged improper marketing of such drugs. Both manufacturers and distributors are under an obligation under the Controlled Substances Act and similar state laws to prevent diversion of opiates and other controlled substances into illicit channels. Plaintiffs assert that defendants have failed to adhere to those standards, which caused the diversion of opiates into their communities. Plaintiffs variously bring claims for violation of RICO statutes, consumer protection laws, state analogues to the Controlled Substances Act, as well as common law claims such as public nuisance, negligence, negligent misrepresentation, fraud and unjust enrichment.

The parties opposing transfer stress the uniqueness of the claims they bring (or the claims that are brought against them), and they argue that centralization of so many diverse claims against manufacturers and distributors will lead to inefficiencies that could slow the progress of all cases. While we appreciate these arguments, we are not persuaded by them. All of the actions can be expected to implicate common fact questions as to the allegedly improper marketing and widespread diversion of prescription opiates into states, counties and cities across the nation, and discovery likely will be voluminous. Although individualized factual issues may arise in each action, such issues do not – especially at this early stage of litigation – negate the efficiencies to be gained by centralization. The transferee judge might find it useful, for example, to establish different tracks for the different types of parties or claims. The alternative of allowing the various cases to proceed independently across myriad districts raises a significant risk of inconsistent rulings and inefficient pretrial proceedings. In our opinion, centralization will substantially reduce the risk of duplicative discovery, minimize the possibility of inconsistent pretrial obligations, and prevent conflicting rulings on pretrial motions. Centralization will also allow a single transferee judge to coordinate with numerous cases pending in state courts. Finally, we deny the requests to delay transfer pending rulings on various pretrial motions (*e.g.*, motions to dismiss or to remand to state court) or until the completion of document discovery in *City of Chicago*.

Although all of the cases on the motion before us involve claims brought by political subdivisions, we have been notified of potential tag-along actions brought by individuals, consumers, hospitals and third party payors. As reflected in our questions at oral argument, this litigation might evolve to include

additional categories of plaintiffs and defendants, as well as different types of claims. We will address whether to include specific actions or claims through the conditional transfer order process.[9]

As this litigation progresses, it may become apparent that certain types of actions or claims could be more efficiently handled in the actions' respective transferor courts. Should the transferee judge deem remand of any claims or actions appropriate (or, relatedly, the subsequent exclusion of similar types of claims or actions from the centralized proceedings), then he may accomplish this by filing a suggestion of remand to the Panel. *See* Panel Rule 10.1. As always, we trust such matters to the sound judgment of the transferee judge.

Most parties acknowledge that any number of the proposed transferee districts would be suitable for this litigation that is nationwide in scope. We are persuaded that the Northern District of Ohio is the appropriate transferee district for this litigation. Ohio has a strong factual connection to this litigation, given that it has experienced a significant rise in the number of opioid-related overdoses in the past several years and expended significant sums in dealing with the effects of the opioid epidemic. The Northern District of Ohio presents a geographically central and accessible forum that is relatively close to defendants' various headquarters in New York, Connecticut, New Jersey and Pennsylvania. Indeed, one of the Big Three distributor defendants, Cardinal Health, is based in Ohio. Judge Dan A. Polster is an experienced transferee judge who presides over several opiate cases. Judge Polster's previous MDL experience, particularly MDL No. 1909 – *In re: Gadolinium Contrast Dyes Products Liability Litigation*, which involved several hundred cases, has provided him valuable insight into the management of complex, multidistrict litigation. We have no doubt that Judge Polster will steer this litigation on a prudent course.

IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside of the Northern District of Ohio are transferred to the Northern District of Ohio and, with the consent of that court, assigned to the Honorable Dan A. Polster for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

Sarah Vance

Sarah S. Vance
Chair

Charles R. Breyer
R. David Proctor
Marjorie O. Rendell
Catherine D. Perry

[9] Eastern District of Pennsylvania *Philadelphia Teachers Health and Welfare Fund* third party payor plaintiff opposed centralization of such claims, stating that it intends to file a motion for centralization of third party payor claims. We will address that motion, if it is filed, in due course.

**IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION** MDL No. 2804

**SCHEDULE A**

Northern District of Alabama

CITY OF BIRMINGHAM v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-01360

Eastern District of California

COUNTY OF SAN JOAQUIN, ET AL. v. PURDUE PHARMA, L.P., ET AL., C.A. No. 2:17-01485

Southern District of Illinois

PEOPLE OF THE STATE OF ILLINOIS, ET AL. v. PURDUE PHARMA LP, ET AL., C.A. No. 3:17-00616
PEOPLE OF THE STATE OF ILLINOIS, ET AL. v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-00856
PEOPLE OF STATE OF ILLINOIS, ET AL. v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-00876

Eastern District of Kentucky

BOONE COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00157
PENDLETON COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00161
CAMPBELL COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00167
ANDERSON COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-00070
FRANKLIN COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-00071
SHELBY COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-00072
HENRY COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-00073
BOYLE COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00367
FLEMING COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00368

Eastern District of Kentucky (cont.)

GARRARD COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00369
LINCOLN COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00370
MADISON COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00371
NICHOLAS COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00373
BELL COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00246
HARLAN COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00247
KNOX COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00248
LESLIE COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00249
WHITLEY COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00250
CLAY COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00255

Western District of Kentucky

THE FISCAL COURT OF CUMBERLAND COUNTY v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 1:17-00163
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-00508
THE FISCAL COURT OF SPENCER COUNTY v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-00557
THE FISCAL COURT OF UNION COUNTY v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 4:17-00120
THE FISCAL COURT OF CARLISLE COUNTY v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00136

Northern District of Ohio

CITY OF LORAIN v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:17-01639
CITY OF PARMA v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:17-01872

Southern District of Ohio

CLERMONT COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00662
BELMONT COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00663
BROWN COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00664
VINTON COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN CORPORATION, ET AL., C.A. No. 2:17-00665
JACKSON COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00680
SCIOTO COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00682
PIKE COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00696
ROSS COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00704
CITY OF CINCINNATI v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00713
CITY OF PORTSMOUTH v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00723
GALLIA COUNTY BOARD OF COMMISSIONERS v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00768
HOCKING COUNTY BOARD OF COMMISSIONERS v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00769
LAWRENCE COUNTY BOARD OF COMMISSIONERS v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00770
DAYTON v. PURDUE PHARMA LP, ET AL., C.A. No. 3:17-00229

Western District of Washington

CITY OF EVERETT v. PURDUE PHARMA LP, ET AL., C.A. No. 2:17-00209
CITY OF TACOMA v. PURDUE PHARMA, L.P., ET AL., C.A. No. 3:17-05737

Southern District of West Virginia

THE COUNTY COMMISSION OF MCDOWELL COUNTY v. MCKESSON CORPORATION, ET AL., C.A. No. 1:17-00946
HONAKER v. WEST VIRGINIA BOARD OF PHARMACY, ET AL., C.A. No. 1:17-03364
THE COUNTY COMMISSION OF MERCER COUNTY v. WEST VIRGINIA BOARD OF PHARMACY, C.A. No. 1:17-03716

Southern District of West Virginia (cont.)

KANAWHA COUNTY COMMISSION v. RITE AID OF MARYLAND, INC., ET AL., C.A. No. 2:17-01666

FAYETTE COUNTY COMMISSION v. CARDINAL HEALTH, INC., ET AL., C.A. No. 2:17-01957

BOONE COUNTY COMMISSION v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-02028

LOGAN COUNTY COMMISSION v. CARDINAL HEALTH, INC., ET AL., C.A. No. 2:17-02296

THE COUNTY COMMISSION OF LINCOLN COUNTY v. WEST VIRGINIA BOARD OF PHARMACY, ET AL., C.A. No. 2:17-03366

LIVINGGOOD v. WEST VIRGINIA BOARD OF PHARMACY, ET AL., C.A. No. 2:17-03369

SPARKS v. WEST VIRGINIA BOARD OF PHARMACY, C.A. No. 2:17-03372

CARLTON, ET AL. v. WEST VIRGINIA BOARD OF PHARMACY, ET AL., C.A. No. 2:17-03532

STATE OF WEST VIRGINIA, ET AL. v. MCKESSON CORPORATION, C.A. No. 2:17-03555

BARKER v. WEST VIRGINIA BOARD OF PHARMACY, ET AL., C.A. No. 2:17-03715

THE CITY OF HUNTINGTON v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-01362

CABELL COUNTY COMMISSION v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-01665

WAYNE COUNTY COMMISSION v. RITE AID OF MARYLAND, INC., ET AL., C.A. No. 3:17-01962

WYOMING COUNTY COMMISSION v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-02311

# EXHIBIT 2

CT Corporation

# Service of Process Transmittal

02/27/2018
CT Log Number 532872085

**TO:** Carol Purcell
Endo Pharmaceuticals Inc.
1400 Atwater Dr
Malvern, PA 19355-8701

**RE:** **Process Served in Delaware**

**FOR:** Endo Pharmaceuticals Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

| | |
|---|---|
| **TITLE OF ACTION:** | Minute Men, Inc. and Minute Men Select, Inc., on behalf of it itself and all others Similarly situated, Pltf. vs. Purdue Pharma LP, et al., Dfts. // To: Endo Pharmaceuticals, Inc. |
| **DOCUMENT(S) SERVED:** | Summons, Complaint |
| **COURT/AGENCY:** | Cuyahoga County Court of Common Pleas, OH<br>Case # CV18893314 |
| **NATURE OF ACTION:** | Class Action - Deceptive marketing practices relating to prescription opioids |
| **ON WHOM PROCESS WAS SERVED:** | The Corporation Trust Company, Wilmington, DE |
| **DATE AND HOUR OF SERVICE:** | By Courier on 02/27/2018 |
| **JURISDICTION SERVED :** | Delaware |
| **APPEARANCE OR ANSWER DUE:** | Within 28 days after service, exclusive of the day of service (Document(s) may contain additional answer dates) |
| **ATTORNEY(S) / SENDER(S):** | Frank Gallucci III<br>Plevin & Gallucci Company, L.P.A.<br>55 Public Square, Suite 2222<br>Cleveland, OH 44113 |
| **ACTION ITEMS:** | CT has retained the current log, Retain Date: 02/28/2018, Expected Purge Date: 03/05/2018<br><br>Image SOP<br><br>Email Notification, Jobina Jones-McDonnell jones.jobina@endo.com<br><br>Email Notification, Helen Howlett howlett.helen@endo.com<br><br>Email Notification, Marian Gustafson marian.gustafson@parpharm.com<br><br>Email Notification, Carolyn Hazard hazard.carrie@endo.com<br><br>Email Notification, Par Notice Dept Par.noticeDept@parpharm.com<br><br>Email Notification, Carol Purcell Purcell.Carol@endo.com<br><br>Email Notification, Stephanie Stidham stidham.stephanie@endo.com |



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CT Corporation

# Service of Process Transmittal

02/27/2018
CT Log Number 532872085

**TO:** Carol Purcell
Endo Pharmaceuticals Inc.
1400 Atwater Dr
Malvern, PA 19355-8701

**RE:** **Process Served in Delaware**

**FOR:** Endo Pharmaceuticals Inc. (Domestic State: DE)

**SIGNED:** The Corporation Trust Company
**ADDRESS:** 1209 N Orange St
Wilmington, DE 19801-1120
**TELEPHONE:** 302-658-7581



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CCOC

1200 ONTARIO

CLEVELAND, OH 44113
UNITED STATES US

SHIP DATE: 22FEB18
ACTWGT: 1.00 LB
CAD: 106501655/WSXI2900

BILL SENDER

TO **ENDO PHARMACEUTICALS, INC.**

**C/O CORPORATION TRUST CO.**
**1209 ORANGE STREET**
**WILMINGTON DE 19801**

(216) 443-7950 REF: CV18893314
INV: 34607745
PO: DEPT:

552J1/122D/DCA5

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SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D9 FX | 34607745 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF
VS
PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

ENDO PHARMACEUTICALS, INC.
C/O CORPORATION TRUST CO.
1209 ORANGE STREET
WILMINGTON DE 19801

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

COMMON PLEAS COURT · CUYAHOGA COUNTY · OHIO

NAILAH K. BYRD
Clerk of the Court of Common Pleas

| DATE SENT |
|---|
| Feb 21, 2018 |

By _____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

CT Corporation

# Service of Process Transmittal

02/27/2018
CT Log Number 532871263

**TO:** Carol Purcell
Endo Pharmaceuticals Inc.
1400 Atwater Dr
Malvern, PA 19355-8701

**RE:** **Process Served in Delaware**

**FOR:** Endo Health Solutions Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

| | |
|---|---|
| **TITLE OF ACTION:** | Minute Men, Inc. and Minute Men Select, Inc., On behalf of itself and all others similarly situated, Pltfs. vs. Purdue Pharma L.P., et al., Dfts. // To: Endo Health Solutions, Inc.<br>*Name discrepancy noted.* |
| **DOCUMENT(S) SERVED:** | Summons, Complaint |
| **COURT/AGENCY:** | Cuyahoga County Court of Common Pleas, OH<br>Case # CV18893314 |
| **NATURE OF ACTION:** | Deceptive marketing practices relating to prescription opioids |
| **ON WHOM PROCESS WAS SERVED:** | The Corporation Trust Company, Wilmington, DE |
| **DATE AND HOUR OF SERVICE:** | By Courier on 02/27/2018 |
| **JURISDICTION SERVED :** | Delaware |
| **APPEARANCE OR ANSWER DUE:** | Within 28 days after service, exclusive of the day of service (Document(s) may contain additional answer dates) |
| **ATTORNEY(S) / SENDER(S):** | Paul J. Napoli<br>Napoli Shkolnik, PLLC<br>400 Broadhollow Road - Suite 350<br>Melville, NY 11747 |
| **ACTION ITEMS:** | CT has retained the current log, Retain Date: 02/28/2018, Expected Purge Date: 03/05/2018<br><br>Image SOP<br><br>Email Notification, Jobina Jones-McDonnell jones.jobina@endo.com<br><br>Email Notification, Helen Howlett howlett.helen@endo.com<br><br>Email Notification, Marian Gustafson marian.gustafson@parpharm.com<br><br>Email Notification, Carolyn Hazard hazard.carrie@endo.com<br><br>Email Notification, Par Notice Dept Par.noticeDept@parpharm.com<br><br>Email Notification, Carol Purcell Purcell.Carol@endo.com |



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CT Corporation

# Service of Process Transmittal

02/27/2018
CT Log Number 532871263

**TO:** Carol Purcell
Endo Pharmaceuticals Inc.
1400 Atwater Dr
Malvern, PA 19355-8701

**RE:** **Process Served in Delaware**

**FOR:** Endo Health Solutions Inc. (Domestic State: DE)

Email Notification, Stephanie Stidham stidham.stephanie@endo.com

**SIGNED:** The Corporation Trust Company
**ADDRESS:** 1209 N Orange St
Wilmington, DE 19801-1120
**TELEPHONE:** 302-658-7581



Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

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CCOC

1200 ONTARIO

CLEVELAND, OH 44113
UNITED STATES US

SHIP DATE: 22FEB18
ACTWGT: 1.00 LB
CAD: 106501655/WSXI2900

BILL SENDER

TO **ENDO HEALTH SOLUTIONS, INC.**

**C/O CORPORATION TRUST CO.**
**1209 ORANGE STREET**
**WILMINGTON DE 19801**

(216) 443-7950 REF: CV18893314
INV: 34607751
PO: DEPT:

552J1/122D/DCA5

FedEx Express

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PHL

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SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D15 FX | 34607751 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.
VS
PURDUE PHARMA, L.P., ET AL

PLAINTIFF

DEFENDANT

# SUMMONS

ENDO HEALTH SOLUTIONS, INC.
C/O CORPORATION TRUST CO.
1209 ORANGE STREET
WILMINGTON DE 19801

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on:**

**Plaintiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

COMMON PLEAS COURT CUYAHOGA COUNTY OHIO

NAILAH K. BYRD
Clerk of the Court of Common Pleas

| DATE SENT |
|---|
| Feb 21, 2018 |

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

**IN THE COURT OF COMMON PLEAS**
**CUYAHOGA COUNTY, OHIO**

| | |
|---|---|
| MINUTE MEN, INC. and MINUTE MEN SELECT, INC., On behalf of itself and all others similarly situated, 3740 Carnegie Avenue Cleveland, Ohio 44115<br><br>Plaintiff,<br><br>v.<br><br>PURDUE PHARMA L.P. c/o The Prentice Hall Corporation 2711 Centerville Road Wilmington, DE 19808<br><br>and<br><br>PURDUE PHARMA INC. c/o The Prentice Hall Corporation 2711 Centerville Road Wilmington, DE 19808<br><br>and<br><br>THE PURDUE FREDERICK COMPANY, INC. c/o The Prentice Hall Corporation 2711 Centerville Road Wilmington, DE 19808<br><br>and<br><br>TEVA PHARMACEUTICALS USA, INC. c/o Corporate Creations Network Inc. 3411 Silverside Road Wilmington, DE 19810<br><br>and<br><br>CEPHALON, INC. c/o Corporate Creations Network Inc. 3411 Silverside Road Wilmington, DE 19810<br><br>and | CASE NO.:<br><br>JUDGE:<br><br>**CLASS ACTION COMPLAINT**<br><br>**(JURY DEMAND HEREON)** |

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JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

and

JANSSEN PHARMACEUTICALS, INC.
116 Pine Street, Suite 320
Harrisburg, PA 17101

and

ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.
116 Pine Street, Suite 320
Harrisburg, PA 17101

and

JANSSEN PHARMACEUTICA, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.
116 Pine Street, Suite 320
Harrisburg, PA 17101

and

ENDO PHARMACEUTICALS, INC.
c/o The Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

and

ALLERGAN PLC F/K/A ACTAVIS PLC
CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43215

and

ACTAVIS, INC. F/K/A WATSON PHARMACEUTICALS, INC.
Corporate Creations Network, Inc.
119 E. Court Street
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and

WATSON LABORATORIES, INC.
Corporate Creations Network Inc.
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and

ACTAVIS LLC
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and

ACTAVIS PHARMA, INC. F/K/A WATSON PHARMA, INC.
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and

ENDO HEALTH SOLUTIONS INC.
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1209 Orange Street
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and

INSYS THERAPEUTICS, INC.
1333 S. Spectrum Blvd. #100
Chandler, Arizona 85286

and

MCKESSON CORPORATION
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

and

CARDINAL HEALTH, INC.
7000 Cardinal Place
Dublin, Ohio 43017

and

AMERISOURCEBERGEN CORPORATION
c/o The Corporation Trust Company, Statutory Agent
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

and

RUSSELL PORTENOY
39 Broadway, 1st Floor
New York, NY 10006

and

PERRY FINE
615 Arapeen Way, Suite 155
Salt Lake County, UT 84132

and

SCOTT FISHMAN
2221 Stockton Blvd.
Sacramento, CA 95817

and

LYNN WEBSTER
PRA Health Sciences
3838 S 700 E #202
Salt Lake County, UT 84106

Defendants.

## INTRODUCTION

1. Plaintiffs, Minute Men, Inc. and Minute Men Select, Inc. ("Plaintiff" or "Minute Men), on behalf of itself and all others similarly situated, for its class action complaint against Defendants Purdue Pharma L.P.; Purdue Pharma Inc.; the Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions Inc.; Endo Pharmaceuticals, Inc.; Allergan plc f/k/a Actavis plc; Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.; Watson Laboratories, Inc.; Actavis LLC; and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. (collectively, "Manufacturers" or "Defendants"); McKesson Corporation, Cardinal Health Inc., Amerisource Drug Corporation (Collectively, "Distributor Defendants" or "Defendants") Russell Portenoy; Perry Fine; Scott Fishman; and Lynn Webster; (collectively, "Physicians" or "Defendants") alleges, based upon personal knowledge, investigation of counsel, and information and belief, as follows.

2. Defendants manufacture, market, distribute, and sell prescription opioids (hereinafter "opioids"), including brand-name drugs like OxyContin and Percocet, and generics like oxycodone and hydrodone, which are powerful narcotic painkillers. Historically, because opioids are highly addictive and debilitating for long term use [1], they were used only to treat short-term, acute pain or for palliative care.

3. However, by the late 1990s, and continuing today, the Defendants began a marketing campaign designed to persuade doctors and patients that opioids can and should be employed for long-term pain treatment.

[1] In this Complaint, "long-term" means opioid use greater than ninety (90) continuous days for non-cancer pain.

4. In connection with this scheme, the Defendants spent, and continue to spend, millions of dollars on promotional activities and materials that falsely deny or trivialize the risks of opioids, while overstating the benefits of using them for chronic pain[2].

5. As to the risks of long-term opioid use, Defendants falsely and misleadingly: (1) downplayed the serious risk of addiction; (2) promoted the concept of "pseudoaddiction" and advocated that the signs of addiction should be treated with more opioids; (3) exaggerated the effectiveness of screening tools in preventing addiction; (4) claimed that opioid dependence and withdrawal are easily managed; (5) denied the risks of higher opioid dosages; and (6) exaggerated the effectiveness of "abuse-deterrent" opioid formulations in preventing abuse and addiction. Conversely, Defendants also falsely touted the benefits of long-term opioid use, including the supposed ability of opioids to improve function and quality of life.

6. Defendants used these messages to reverse the popular and medical understanding of opioids. They disseminated them directly, through their sales representatives, and in speaker groups led by physicians who Defendants recruited for their support of these marketing messages.

7. Defendants also worked through third parties they controlled by: (a) funding, assisting, encouraging, and directing doctors, known as "key opinion leaders" ("KOLs"); and (b) funding, assisting, directing, and encouraging seemingly neutral and credible professional societies and patient advocacy groups (referred to hereinafter as "Front Groups").

8. Defendants then worked together with this KOLs and Front Groups to taint the information sources that doctors and patients relied on for ostensible "neutral" guidance, such as treatment guidelines, Continuing Medical Education ("CME") programs, medical conferences and seminars, and scientific articles.

[2] In this Complaint, "chronic pain" means pain longer than ninety (90) continuous days other than cancer pain.

9. Working individually and collectively, and through these Front Groups and KOLs, Defendants persuaded doctors and patients that opioids were not highly addictive and unsafe in most circumstances for long-term use, but rather that compassionate treatment of pain required opioids.

10. Defendants knew their misrepresentations of the risks and benefits of opioids were not supported by or were directly contrary to the scientific evidence. The falsity of Defendants' misrepresentations have been confirmed by the U.S. Food and Drug Administration ("FDA") and the Centers for Disease Control and Prevention ("CDC"), included by the CDC in its Guideline for Prescribing Opioids for Chronic Pain, issued in 2016 and approved by the FDA ("2016 CDC Guideline").

11. Opioid manufacturers, including Defendants, Endo Pharmaceuticals, Inc. and Purdue Pharma L.P., have entered into settlement agreements with public entities prohibiting them from making many of the misrepresentations identified in this Complaint.

12. Defendants' efforts to promote opioid use were very successful. Opioids are more and more the prescribed class of drugs; they generated $11 billion in revenue for drug companies in 2014.

13. Plaintiff offers a plan, the Minute Men Select, which is a self-insured Professional Employer Organization. Minute Men Select is a workers' compensation program that is underwritten by Plaintiff. Claims are paid through a self-insured fund and administered by Plaintiff's staff of Case Nurses, Claims Managers and other workers' compensation professionals.

14. This action is brought by Plaintiff, on behalf of itself and all other Ohio self-insured funds that are third party payors of medical costs and are therefore similarly situated.

15. On August 26, 2016, Dr. Vivek H. Murphy, then Surgeon General of the United States, sent a letter to physicians imploring them to help fight the opioid epidemic facing the Country. The letter read in part:

> *I am asking for your help to solve an urgent health crisis facing America: the opioid epidemic. Everywhere I travel, I see communities devastated by opioid overdoses. I meet families too ashamed to seek treatment for addiction. And I will never forget my own patient whose opioid use disorder began with a course of morphine after a routine procedure.*
>
> *It is important to recognize that we arrived at this place on a path paved with good intentions. Nearly two decades ago, we were encouraged to be more aggressive about treating pain, often without enough training and support to do so safely. This coincided with heavy marketing of opioids to doctors. Many of us were even taught – incorrectly – that opioids are not addictive when prescribed for legitimate pain.*
>
> *The results have been devastating. Since 1999, opioid overdose deaths have quadrupled and opioid prescriptions have increased markedly – almost enough for every adult in America to have a bottle of pills. Yet the amount of pain reported by Americans has not changed. Now, nearly 2 million people in America have a prescription opioid use disorder, contributing to increased heroin use and the spread of HIV and hepatitis C.*[3]

16. It is estimated there are over one million Ohio citizens suffer from chronic pain, which takes an enormous toll on their health, lives and families. Many of these individuals are employees and/or members of the Plaintiff or the Class. These patients deserve both appropriate care and the ability to make decisions based on accurate, complete information about treatment risks and benefits. Unfortunately, Defendants' deceptive marketing campaign deprived patients and their doctors of the ability to make informed medical decisions. Defendants deprived patients, their

[3] Vivek H. Murthy, *Letter from the Surgeon General*, August 26, 2016, available at http://turnthetiderx.org/.

doctors, and the members and/or employees of the Plaintiff and the Class of the chance to exercise informed judgments and subjected them to enormous costs and suffering.

**JURIDCITION AND VENUE**

17. This Court has jurisdiction over this action pursuant to 1345.04 (as to the Ohio Consumer Sales Practices Act claim), 4165.01 (as to the Ohio Deceptive Trade Practices Act claim), R.C. 2307.382 (as to the Ohio Products Liability Act claim); and 2305.01 (as to the common law fraud, unjust enrichment and negligence claims).

18. Venue is proper in Cuyahoga County pursuant to Ohio Civ. R. 3(B)(3), (6) and (7).

19. This action is non-removable because there is incomplete diversity of Parties and no substantial federal question is presented.

**PARTIES**

20. This action is brought by Plaintiff, on behalf of itself and all other Ohio self-insured funds that are third party payors of medical costs and are therefore similarly situated.

21. Founded in 1968, Minute Men is the cornerstone of The Minute Men Human Resource System, a group of HR-related companies headquartered in Cleveland, Ohio. The Minute Men Human Resource System has grown to become one of the largest private employer service organizations in the United States.

22. Plaintiff offers a plan, the Minute Men Select, which is a self-insured Professional Employer Organization. Minute Men Select is a workers' compensation program that is underwritten by Plaintiff. Claims are paid through a self-insured fund and administered by Plaintiff's staff of Case Nurses, Claims Managers and other workers' compensation professionals.

23. Also, Plaintiff provides workers' compensation and unemployment insurance for its employees and members.

24. Purdue Pharma L.P. is a limited partnership organized under the laws of Delaware. Purdue Pharma Inc. is a Delaware corporation with its principal place of business in Stamford, Connecticut, and The Purdue Frederick Company, Inc. is a Delaware corporation with its principal place of business in Stamford, Connecticut (collectively, "Purdue").

25. Purdue is primarily engaged in the manufacture, promotion, and distribution of opioids nationally and to Plaintiff's employees and members, including the following:

a. OxyContin (oxycodone hydrochloride extended release) is a Schedule II opioid agonist[4] tablet first approved in 1995 and indicated for the "management of pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate." Prior to April 2014,[5] OxyContin was indicated for the "management of moderate to severe pain when a continuous, around-the-clock opioid analgesic is needed for an extended period of time."

b. MS Contin (morphine sulfate extended release) is a Schedule II opioid agonist tablet first approved in 1987 and indicated for the "management of pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate." Prior to April 2014, MS Contin was indicated for

[4] An opioid agonist is a drug that activates certain opioid receptors in the brain. An antagonist, by contrast, blocks the receptor and can also be used in pain relief or to counter the effect of an opioid overdose.

[5] The labels for OxyContin and other long-acting opioids were amended in response to a 2012 citizens' petition by doctors. The changes were intended to clarify the existing obligation to "make an individualized assessment of patient needs." The petitioners also successfully urged that the revised labels heighten the requirements for boxed label warnings related to addiction, abuse, and misuse by changing "Monitor for signs of misuse, abuse, and addiction" to "[Drug name] exposes users to risks of addiction, abuse, and misuse, which can lead to overdose and death." Letter from Bob Rappaport, Dir. Ctr. for Drug Evaluations & Res., *Labeling Supplement and PMR [Post-Marketing Research] Required* (Sept. 10, 2013), http://www.fda.gov/downloads/Drugs/DrugSafety/InformationbyDrugClass/UCM367697.pdf.

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the "management of moderate to severe pain when a continuous, around-the-clock opioid analgesic is needed for an extended period of time."

c. Dilaudid (hydromorphone hydrochloride) is a Schedule II opioid agonist first approved in 1984 (injection) and 1992 (oral solution and tablet) and indicated for the "management of pain in patients where an opioid analgesic is appropriate."

d. Dilaudid-HP (hydromorphone hydrochloride) is a Schedule II opioid agonist injection first approved in 1984 and indicated for the "relief of moderate-to-severe pain in opioid-tolerant patients who require larger than usual doses of opioids to provide adequate pain relief."

e. Butrans (buprenorphine) is a Schedule III opioid partial agonist transdermal patch first approved in 2010 and indicated for the "management of pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate." Prior to April 2014, Butrans was indicated for the "management of moderate to severe pain when a continuous, around-the-clock opioid analgesic is needed for an extended period of time."

f. Hysingla ER (hydrocodone bitrate) is a Schedule II opioid agonist tablet first approved in 2014 and indicated for the management of pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate.

g. Targiniq ER (oxycodone hydrochloride and naloxone hydrochloride) is a Schedule II combination product of oxycodone, an opioid agonist, and naloxone, an opioid antagonist, first approved in 2014 and indicated for the management of pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate.

26. OxyContin is Purdue's largest-selling opioid. Since 2009, Purdue's national annual sales of OxyContin have fluctuated between $2.47 billion and $2.99 billion, up four-fold from 2006 sales of $800 million. OxyContin constitutes roughly 30% of the entire market for analgesic drugs (i.e., painkillers).

27. In 2007, Purdue settled criminal and civil charges against it for misbranding OxyContin and agreed to pay the United States $635 million—at the time one of the largest settlements with a drug company for marketing misconduct.[6] Pursuant to its settlement, Purdue operated under a Corporate Integrity Agreement with the Office of Inspector General of the U.S. Department of Health and Human Services, which required the company, *inter alia*, to ensure that its marketing was fair and accurate, and to monitor and report on its compliance with the Agreement.

28. Defendant Teva Pharmaceuticals USA, Inc. ("Teva USA") is a Delaware corporation with its principal place of business in North Whales, Pennsylvania. Teva USA is a wholly owned subsidiary of Teva Pharmaceutical Industries, Ltd. ("Teva Ltd."), an Israeli corporation.

29. Defendant Cephalon, Inc. is a Delaware corporation with its principal place of business in Frazer, Pennsylvania. In 2011, Teva Ltd. acquired Cephalon, Inc.

30. Teva USA and Cephalon, Inc. work together closely to market and sell Cephalon products in the United States. Teva USA conducts Teva Ltd.'s sales and marketing activities for Cephalon in the United States and has done so since Teva Ltd.'s October 2011 acquisition of Cephalon. Teva USA holds out Actiq and Fentora as Teva products to the public. Teva USA sells all former Cephalon branded products through its "specialty medicines" division. The FDA approved prescribing information and medication guide, which is distributed with Cephalon opioids marketed and sold in the County, discloses that the guide was submitted by Teva USA, and directs physicians

[6] https://oig.hhs.gov/publications/docs/press/2007/SemiannualRelfall2007E.pdf

to contact Teva USA to report adverse events. (Teva USA and Cephalon, Inc. collectively are referred to herein as "Cephalon.")

31. Cephalon has been in the business of manufacturing, selling, and distributing the following opioids, nationally and to Plaintiff's employees and members :

a. Actiq (fentanyl citrate) is a Schedule II opioid agonist lozenge (lollipop) first approved in 1998 and indicated for the "management of breakthrough cancer pain in patients 16 years of age and older who are already receiving and who are tolerant to opioid therapy for their underlying persistent cancer pain."

b. Fentora (fentanyl citrate) is a Schedule II opioid agonist buccal tablet (similar to plugs of smokeless tobacco) first approved in 2006 and indicated for the "management of breakthrough pain in cancer patients 18 years of age and older who are already receiving and who are tolerant to around-the-clock opioid therapy for their underlying persistent cancer pain."

32. In November 1998, the FDA granted restricted marketing approval for Actiq, limiting its lawful promotion to cancer patients experiencing pain. The FDA specified that Actiq should not be marketed for off-label uses, stating that the drug must be prescribed solely to cancer patients. In 2008, Cephalon pleaded guilty to a criminal violation of the Federal Food, Drug and Cosmetic Act for its misleading promotion of Actiq and two other drugs, and agreed to pay $425 million in fines, damages, and penalties.

33. Teva USA was in the business of selling generic opioids, including a generic form of OxyContin from 2005 through 2009 nationally and to Plaintiff's employees and members.

34. On September 29, 2008, Cephalon entered into a five-year Corporate Integrity Agreement with the Office of Inspector General of the U.S. Department of Health and Human

Services.[7] The agreement, *inter alia*, required Cephalon to send doctors a letter advising them of the settlement terms and gave them a means to report questionable conduct of its sales representatives; disclose payments to doctors on its web site; and regularly certify that the company has an effective compliance program.

35. Janssen Pharmaceuticals, Inc. is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey, and is a wholly owned subsidiary of Johnson & Johnson, a New Jersey corporation with its principal place of business in New Brunswick, New Jersey. Janssen Pharmaceuticals, Inc. was formerly known as Ortho-McNeil- Janssen Pharmaceuticals, Inc., which in turn was formerly known as Janssen Pharmaceutica Inc. Defendant Ortho-McNeil-Janssen Pharmaceuticals, Inc., now known as Janssen Pharmaceuticals, Inc., is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey. Janssen Pharmaceutica, Inc., now known as Janssen Pharmaceuticals, Inc., is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey. Johnson & Johnson is the only company that owns more than 10% of Janssen Pharmaceuticals, Inc.'s stock, and it corresponds with the FDA regarding Janssen's products. Upon information and belief, Johnson & Johnson controls the sale and development of Janssen Pharmaceutical's drugs, and Janssen Pharmaceuticals, Inc.'s profits inure to Johnson & Johnson's benefit. (Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc., and Johnson & Johnson collectively are referred to herein as "Janssen.")

36. Janssen manufactures, sells, and distributes a range of medical devices and pharmaceutical drugs to Plaintiff's employees and members and the rest of the nation, including Duragesic (fentanyl), which is a Schedule II opioid agonist transdermal patch first approved in 1990 and indicated for the "management of pain in opioid-tolerant patients, severe enough to require

[7] https://www.justice.gov/archive/opa/pr/2008/September/08-civ-860.html (accessed May 30, 2017)

daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate."

37. Until January 2015, Janssen also developed, marketed, and sold Nucynta and Nucynta ER:

a. Nucynta ER (tapentadol extended release) is a Schedule II opioid agonist tablet first approved in 2011 and indicated for the "management of pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate." Prior to April 2014, Nucynta ER was indicated for the "management of moderate to severe chronic pain in adults [and] neuropathic pain associated with diabetic peripheral neuropathy (DPN) in adults." The DPN indication was added in August 2012.

b. Nucynta (tapentadol) is a Schedule II opioid agonist tablet and oral solution first approved in 2008 and indicated for the "relief of moderate to severe acute pain in patients 18 years of age or older."

38. Together, Nucynta and Nucynta ER accounted for $172 million in sales in 2014.[8] Prior to 2009, Duragesic accounted for at least $1 billion in annual sales.

39. Endo Health Solutions Inc. is a Delaware corporation with its principal place of business in Malvern, Pennsylvania. Endo Pharmaceuticals, Inc. is a wholly-owned subsidiary of Endo Health Solutions Inc. and is a Delaware corporation with its principal place of business in Malvern, Pennsylvania. (Endo Health Solutions Inc. and Endo Pharmaceuticals, Inc. collectively are referred to herein as "Endo.")

[8] http://www.prnewswire.com/news-releases/depomed-announces-closing-of-acquisition-of-us-rights-to-nucynta-tapentadol-nucynta-er-tapentadol-extended-release-tablets-and-nucynta-tapentadol-oral-solution-from-janssen-pharmaceuticals-inc-for-105-billion-300060453.html (accessed May 30, 2017)

40. Endo develops, markets, and sells prescription drugs, including the following opioids, to Plaintiff's employees and members and nationally:

a. Opana ER (oxymorphone hydrochloride extended release) is a Schedule II opioid agonist tablet first approved in 2006 and indicated for the "management of pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate." Prior to April 2014, Opana ER was indicated for the "relief of moderate to severe pain in patients requiring continuous, around-the-clock opioid treatment for an extended period of time."

b. Opana (oxymorphone hydrochloride) is a Schedule II opioid agonist tablet first approved in 2006 and indicated for the "relief of moderate to severe acute pain where the use of an opioid is appropriate."

c. Percodan (oxycodone hydrochloride and aspirin) is a Schedule II opioid agonist tablet first approved in 1950 and first marketed by Endo in 2004 and indicated for the "management of moderate to moderately severe pain."

d. Percocet (oxycodone hydrochloride and acetaminophen) is a Schedule II opioid agonist tablet first approved in 1999 and first marketed by Endo in 2006 and indicated for the "relief of moderate to moderately severe pain."[9]

41. Opioids made up roughly $403 million of Endo's overall revenues of $3 billion in 2012. Opana ER yielded revenue of $1.15 billion from 2010 to 2013, and alone accounted for 10% of Endo's total revenue in 2012. Endo also manufactures and sells generic opioids nationally and to Plaintiff's employees and members, both itself and through its subsidiary, Qualitest Pharmaceuticals, Inc., including generic oxycodone, oxymorphone, hydromorphone, and hydrocodone products.

[9] In addition, Endo marketed Zydone (hydrocodone bitartrate and acetaminophen), a Schedule III opioid agonist tablet indicated for the "relief of moderate to moderately severe pain," from 1998 through 2013. The FDA's website indicates this product is currently discontinued, but it appears on Endo's own website.

42. Allergan PLC is a public limited company incorporated in Ireland with its principal place of business in Dublin, Ireland. Actavis PLC acquired Allergan PLC in March 2015, and the combined company changed its name to Allergan PLC in March 2015. Prior to that, Watson Pharmaceuticals, Inc. acquired Actavis, Inc. in October 2012; the combined company changed its name to Actavis, Inc. in January 2013 and then to Actavis plc in October 2013. Watson Laboratories, Inc. is a Nevada corporation with its principal place of business in Corona, California, and is a wholly owned subsidiary of Allergan PLC (f/k/a Actavis, Inc., f/k/a Watson Pharmaceuticals, Inc.). Actavis Pharma, Inc. (f/k/a Actavis, Inc.) is a Delaware corporation with its principal place of business in New Jersey, and was formerly known as Watson Pharma, Inc. Actavis LLC is a Delaware limited liability company with its principal place of business in Parsippany, New Jersey. Each of these defendants is owned by Allergan plc, which uses them to market and sell its drugs in the United States. Upon information and belief, Allergan plc exercises control over these marketing and sales efforts, and profits from the sale of Allergan/Actavis products ultimately inure to its benefit. (Allergan plc, Actavis plc, Actavis, Inc., Actavis LLC, Actavis Pharma, Inc., Watson Pharmaceuticals, Inc., Watson Pharma, Inc., and Watson Laboratories, Inc. hereinafter collectively are referred to as "Actavis.")

43. Actavis engages in the business of marketing and selling opioids to Plaintiff's employees and members and across the country, including the branded drugs Kadian and Norco, a generic version of Kadian, and generic versions of Duragesic and Opana. Kadian (morphine sulfate extended release) is a Schedule II opioid agonist capsule first approved in 1996 and indicated for the "management of pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate." Prior to April 2014, Kadian was indicated for the "management of moderate to severe pain when a continuous, around-the-clock

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opioid analgesic is needed for an extended period of time." Actavis acquired the rights to Kadian from King Pharmaceuticals, Inc., on December 30, 2008 and began marketing Kadian in 2009.

44. Defendant McKesson Corporation ("McKesson") is a Delaware corporation with its principal place of business in San Francisco, California.

45. Defendant McKesson had a net income in excess of $1.5 Billion in 2015.

46. Defendant McKesson distributes pharmaceuticals to retail pharmacies and institutional providers to customers in all 50 states, including to Plaintiff's employees and members.

47. Upon information and belief, defendant McKesson is a pharmaceutical distributor licensed to do business in Ohio.

48. Defendant McKesson is the largest pharmaceutical distributor in North America.

49. Upon information and belief, McKesson delivers one-third of all pharmaceuticals used in North America.

50. Defendant McKesson does substantial business in the State of Ohio and the Plaintiff.

51. Defendant Cardinal Health Inc. ("Cardinal") is an Ohio Corporation with its principal place of business in Dublin, Ohio.

52. Defendant Cardinal distributes pharmaceuticals to retail pharmacies and institutional providers to customers in all 50 states, including Ohio and to Plaintiff's employees and members.

53. Upon information and belief, defendant Cardinal is a pharmaceutical distributor licensed to do business in Ohio.

54. Defendant Cardinal does substantial business in the State of Ohio and the Plaintiff.

55. Upon information and belief, defendant Cardinal is one of the largest distributors of opioid pain medications in the Country, including the State of Ohio.

56. Upon information and belief, Defendant AmerisourceBergen Corporation ("Amerisource") is a Delaware Corporation with its principal place of business in Chesterbrook, Pennsylvania.

57. Defendant Amerisource does substantial business in the State of Ohio and the Plaintiff.

58. Upon information and belief, Defendant Amerisource is a pharmaceutical distributor licensed to do business in the State of Ohio.

59. Defendant Amerisource distributes pharmaceuticals to retail pharmacies and institutional providers to customers in all 50 states, including Ohio and to Plaintiff's employees and members.

60. Upon information and belief, defendant Amerisource is one of the largest distributors of opioid pain medications in the Country, including the State of Ohio and to Plaintiff's employees and members.

61. The three pharmaceutical distributor defendants (hereinafter "Distributor Defendants") are three of the largest opioid distributors in the State of Ohio and to Plaintiff's employees and members.

62. The Distributor Defendants purchased opioids from manufacturers, such as the named defendants herein, and sold them to Plaintiff's employees and members.

63. The Distributor Defendants played an integral role in the chain of opioids being distributed to Plaintiff's employees and members.

64. Pursuant to Section 4729-9 of the Ohio Administrative Code, entitled "Dangerous Drugs", distributors/wholesalers such as the defendants are required to create record keeping, including establishing and maintaining inventories and records of all transactions of dangerous drugs such as opioid pain medications. Pursuant to section (i) "[T]he wholesaler shall inform the state

board of pharmacy of suspicious orders for drugs when discovered. Suspicious orders are those which, in relation to the wholesaler's records as a whole, are of unusual size, unusual frequency, or deviate substantially from established buying patterns.

65. The Distributor Defendants were each on notice that the controlled substances they distributed or prescribed were the kinds that were susceptible to diversion for illegal purposes, abused, overused, and otherwise sought for illegal, unhealthy and problematic purposes.

66. The Distributor Defendants were each on notice that there was an alarming and suspicious rise in distributing opioids to retailers within the State of Ohio.

67. As entities involved in the distribution of opioid medications, Distributor Defendants were engaged in abnormally and/or inherently dangerous activity and had a duty of care under Ohio law.

68. The Distributor Defendants had a duty to notice suspicious or alarming orders of opioid pharmaceuticals and to report suspicious orders to the proper authorities and governing bodies including the DEA and the Ohio State Board of Pharmacy.

69. The Distributor Defendants knew or should have known that they were supplying vast amounts of dangerous drugs to the Plaintiff that were already facing abuse, diversion, misuse, and other problems associated with the opioid epidemic.

70. According to the Ohio Department of Health, "from 1999 to 2007 in Ohio, there were increases of 304 percent and 325 percent respectively in the unintentional drug poisoning death rate and total grams of prescription opioids distributed per 100,000 population." [10]

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10 http://www.healthy.ohio.gov/en/vipp/data/~/media/B36238B3B2C746308AA51232575613DD.ashx

71. Comparing 1997 to 2011 creates even more startling results. In 1997, distribution of OxyCodone to retail pharmacies in Ohio was under 4,000 grams per 100,000. By 2011, thus number jumped to nearly 28,000 grams per 100,000.[11]

72. The Distributor Defendants failed in their duty to take any action to prevent or reduce the distribution of these drugs from at least 2007 through the present time.

73. The Distributor Defendants were in a unique position and had a duty to inspect, report, or otherwise limit the flow of these drugs in Ohio and to Plaintiff's employees and members.

74. The Distributor Defendants, in the interest of their own massive profits, intentionally failed in this duty.

75. The Distributor Defendants have displayed a continuing pattern of failing to submit suspicious order reports.

76. In 2008, McKesson paid a $13.2 million fine to settle similar claims regarding suspicious orders from internet pharmacies.[12]

77. Despite these prior penalties, McKesson's pattern of failing to report suspicious orders continued for many years.

78. According to the DEA, McKesson "supplied various U.S. pharmacies an increasing amount of oxycodone and hydrocodone pills" during the time in question, and "frequently misused products that are part of the current opioid epidemic."[13]

79. On January 17, 2017, the DEA announced that McKesson had agreed to pay a record $150 million fine and suspend the sale of controlled substances from distribution centers in several states.[14]

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[11] http://opiatecollaborative.cuyahogacounty.us/pdf_OpiateCollaborative/en-US/OpioidEpidemic.pdf

[12] http://www.wvgazettemail.com/news-health/20161218/suspicious-drug-order-rules-never-enforced-by-state (accessed May 30, 2017)

[13] https://www.justice.gov/opa/pr/mckesson-agrees-pay-record-150-million-settlement-failure-report-suspicious-orders (accessed May 30, 2017)

80. In 2008, defendant Cardinal paid a $34 million penalty to resolve allegations that it failed to report suspicious opioid orders.[15]

81. Despite this past penalty, in 2017, it was announced that Defendant Cardinal agreed to a $44 million fine to "resolve allegations that it failed to alert the Drug Enforcement Agency to suspicious orders of powerful narcotics by pharmacies in Florida, Maryland, and New York.[16]

82. Defendant Amerisource faced a criminal inquiry "into its oversight of painkiller sales" in 2012.[17] They have paid out fines for similar claims to the State of West Virginia.

83. Despite the charges, fines, and penalties brought against the Distributor Defendants in the past, they continued to fail to report suspicious orders or prevent the flow of prescription opioids, including to Plaintiff's employees and members.

84. The Distributor Defendants are also members of the Healthcare Distribution Management Association ("HDMA"). The HDMA created "Industry Compliance Guidelines" which stressed the critical role of each member of the supply chain in distributing controlled substances. The HDMA guidelines provided that "[a]t the center of a sophisticated supply chain, Distributors are uniquely situated to perform due diligence in order to help support the security of controlled substances they deliver to their customers."

85. Between the years in question, including 2007 through 2016, the Distributor Defendants shipped millions of doses of highly addictive controlled opioid pain killers to Plaintiff's employees and members.

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[14] *Id.*

[15] https://www.justice.gov/usao-wdwa/pr/united-states-reaches-34-million-settlement-cardinal-health-civil-penalties-under-0 (access May 30, 2017)

[16] https://www.washingtonpost.com/national/health-science/cardinal-health-fined-44-million-for-opioid-reporting-violations/2017/01/11/4f217c44-d82c-11e6-9a36-1d296534b31e_story.html?utm_term=.7049c4431465 (accessed on May 17, 2017).

[17] http://www.nytimes.com/2013/06/12/business/walgreen-to-pay-80-million-settlement-over-painkiller-sales.html (accessed on May 17, 2017).

86. Many of these orders should have been stopped, or at the very least, investigated as potential suspicious orders.

87. The sheer volume of the increase in opioid pain medications, including OxyCodone, being distributed to retailers, should have put the Distributor Defendants on notice to investigate and report such orders.

88. Upon information and belief, the Distributor Defendants delivered an excessive and unreasonable amount of opioid pain medications to and to Plaintiff's employees and members.

89. Upon information and belief, the Distributor Defendants did not refuse to ship or supply any opioid medications to and to Plaintiff's employees and members from 2007 to the present.

90. The Defendant Distributors knew or should have known that they were distributing levels of opioid medications that far exceeded the legitimate needs of Plaintiff's employees and members.

91. The Defendant Distributors also paid their sales force bonuses and commissions on the sale of most or all of the highly addictive opioid pain medications to Plaintiff's employees and members.

92. The Distributor Defendants made substantial profits from the opioids sold to Plaintiff's employees and members.

93. The Distributor Defendants violated Ohio State Board of Pharmacy rules, codes and regulations for distributors by failing to properly report suspicious orders.

94. By the actions and inactions described above, the Distributor Defendants showed a reckless disregard for the safety of Plaintiff's employees and members.

95. By the actions and inact ions described above, the Distributor Defendants caused great harm to Plaintiff's employees and members.

96. Russell Portenoy, M.D., is an individual residing in New York. Defendant Dr. Portenoy is a physician licensed to practice medicine in the state of New York. Dr. Portenoy was instrumental in promoting opioids for sale and distribution nationally and to Plaintiff's employees and members.

97. Perry Fine, M.D., is an individual residing in Utah. Dr. Fine was instrumental in promoting opioids for sale and distribution nationally and to Plaintiff's employees and members.

98. Scott Fishman, M.D., is an individual residing in California. Dr. Fishman was instrumental in promoting opioids for sale and distribution nationally and to Plaintiff's employees and members.

99. Lynn Webster, M.D., is an individual residing in Utah. Dr. Webster was instrumental in promoting opioids for sale and distribution nationally and to Plaintiff's employees and members.

100. The Distributor Defendants had a duty to monitor suspicious or alarming orders of opioid pharmaceuticals and to report suspicious orders to the proper authorities and governing bodies, including the Drug Enforcement Agency (DEA) and the Ohio State Board of Pharmacy.

101. The Distributor Defendants failed in their duty to take action to prevent or reduce the distribution of these drugs.

102. The Distributor Defendants were in a unique position and had a duty to monitor, report, or otherwise limit the flow of these drugs throughout the State of Ohio.

103. The Distributor Defendants were warned in 2006 and 2007 by the DEA about their responsibility to avoid filling suspicious orders.

104. The Distributor Defendants, in the interest of their own massive profits, intentionally failed in this duty.

105. The DEA has repeatedly taken administrative action to force compliance:

a. On April 24, 2007, the DEA issued an Order to Show Cause and Immediate Suspension Order against the AmerisourceBergen Orlando, Florida distribution center alleging failure to maintain effective controls against diversion of controlled substances. On June 22, 2007, AmerisourceBergen entered into a settlement which resulted in the suspension of its DEA registration;

b. On November 28, 2007, the DEA issued an Order to Show Cause and Immediate Suspension Order against the Cardinal Health Auburn, Washington Distribution Center ("Auburn Facility") for failure to maintain effective controls against diversion of hydrocodone;

c. c. On December 5, 2007, the DEA issued an Order to Show Cause and Immediate Suspension Order against the Cardinal Health Lakeland, Florida Distribution Center ("Lakeland Facility") for failure to maintain effective controls again diversion of hydrocodone;

d. On December 7, 2007, the DEA issued an *Order to Show Cause and Immediate Suspension Order* against the Cardinal Health Swedesboro, New Jersey Distribution Center ("Swedesboro Facility") for failure to maintain effective controls against diversion of hydrocodone;

e. On January 30, 2008, the DEA issued an *Order to Show Cause and Immediate Suspension Order* against the Cardinal Health Stafford, Texas Distribution Center ("Stafford Facility") for failure to maintain effective controls against diversion of hydrocodone;

f. On May 2, 2008, McKesson Corporation entered into an *Administrative Memorandum of Agreement* ("2008 MOA") with the DEA which provided that McKesson would "maintain a compliance program designed to detect and prevent the diversion of controlled substances, inform DEA of suspicious orders required by 21 CFR

§1301.74(b), and follow the procedures established by its Controlled Substance Monitoring Program";

g. On September 30, 2008, Cardinal Health entered into a *Settlement and Release Agreement and Administrative Memorandum of Agreement* with the DEA related to its Auburn Facility, Lakeland Facility, Swedesboro Facility and Stafford Facility. The document also referenced allegations by the DEA that Cardinal failed to maintain effective controls against the diversion of controlled substances at its distribution facilities located in McDonough, Georgia; Valencia, California; and Denver, Colorado;

h. On February 2, 2012, the DEA issued an *Order to Show Cause and Immediate Suspension Order* against the Cardinal Health Lakeland, Florida Distribution Center for failure to maintain effective controls against diversion of oxycodone;

i. On December 23, 2016, Cardinal Health agreed to pay a $44 million fine to the DEA to resolve the civil penalty portion of the administrative action taken against its Lakeland, Florida Distribution Center; and

j. On January 5, 2017, McKesson Corporation entered into an *Administrative Memorandum Agreement* with the DEA wherein it agreed to pay a $150,000,000 civil penalty for violation of the 2008 MOA, as well as failure to identify and report suspicious orders at its facilities in Aurora, CO, Aurora, IL, Delran, NJ, LaCrosse, WI., Lakeland, FL, Landover, MD, LaVista, NE, Livonia, MI, Metheun, MA, Santa Fe Springs, CA, Washington Courthouse, OH, and West Sacramento, CA.

106. The Distributor Defendants are members of the Healthcare Distribution Management Association ("HDMA"). The HDMA created "Industry Compliance Guidelines", which stressed the critical role of each member of the supply chain in distributing controlled substances. The HDMA guidelines provided that "[a]t the center of a sophisticated supply chain,

Distributors are uniquely situated to perform due diligence in order to help support the security of controlled substances they deliver to their customers."

107. The extraordinary increase in the volume of opioid pain medications distributed to Ohio retailers should have put the Distributor Defendants on notice to investigate and report such orders.

108. The Distributor Defendants delivered an excessive and unreasonable amount of opioid pain medications to retailers in the State of Ohio, which was a proximate cause of Plaintiff and the Class paying for inappropriate opioid prescriptions.

109. The Distributor Defendants knew or should have known that they were distributing levels of opioid medications that far exceeded the legitimate needs of the State of Ohio, including to employees and/or members of Plaintiff and the Class.

110. The Distributor Defendants paid their sales force bonuses and commission on the sale of most or all of the highly addictive opioid pain medications.

111. The Distributor Defendants made substantial profits from the opioids paid for by Plaintiff and the Class.

112. The Distributor Defendants violated Ohio State Board of Pharmacy rules, codes, and regulations for distributors by failing to properly report suspicious opioid orders.

113. By the actions and inactions described above, the Distributor Defendants showed a reckless disregard for the safety of the employees and/or members of the Plaintiff and the Class.

114. Before the 1990s, generally accepted standards of medical practice dictated that opioids should only be used short-term for acute pain, pain relating to recovery from surgery, or for cancer or palliative care.

115. Not satisfied with opioids being limited to acute pain, the Defendants developed a well-funded deceptive marketing scheme. The Defendants used both direct marketing and

unbranded advertising disseminated by seemingly independent third parties to spread false and deceptive statements about the risks and benefits of long-term opioid use – statements that benefited not only themselves and the third-parties who gained legitimacy when Defendants repeated those statements, but also other Defendants and opioid manufacturers. Yet, these statements were not only unsupported by or contrary to the scientific evidence, they were also contrary to pronouncements by and guidance from the FDA and CDC based on that evidence.

116. Defendants spread their false and deceptive statements by marketing their branded opioids directly to doctors and patients in Ohio. Defendants also deployed seemingly unbiased and independent third parties who they controlled to spread their false and deceptive statements about the risks and benefits of opioids for the treatment of chronic pain throughout the State.

117. Defendants conducted and continue to conduct advertising campaigns touting the purported benefits of their branded drugs.

118. A number of Defendants' branded ads deceptively portrayed the benefits of opioids for chronic pain. For example, Endo distributed and made available on its website opana.com a pamphlet promoting Opana ER with photographs depicting patients with physically demanding jobs, misleadingly implying that the drug would provide long-term pain relief and functional improvement. In 2012, Purdue ran a series of ads in medical journals, called "Pain vignettes," promoting OxyContin. These ads featured chronic pain patients and recommended prescribing OxyContin. One ad described a "54-year-old writer with osteoarthritis of the hands" and implied that OxyContin would help the writer work more effectively. Endo and Purdue agreed in late 2015 and 2016 to halt these misleading representations in New York, but they may continue to disseminate them in Ohio.

119. Defendants promoted the use of opioids for chronic pain through so-called "detailers," who are sales representatives, who visited individual doctors and medical staff in their offices and small-group speaker programs.

120. Defendants have not corrected this widespread misinformation. Instead, Defendants devote and continue to devote massive resources to direct sales contacts with doctors. In 2014 alone, Defendants spent $168 million on detailing branded opioids to doctors. This amount is twice as much as Defendants spent on detailing in 2000. The amount includes $108 million spent by Purdue, $34 million by Janssen, $13 million by Cephalon, $10 million by Endo, and $2 million by Actavis.

121. Defendants' detailers have been reprimanded for their deceptive promotional activities. A July 2010 "Dear Doctor" letter, mandated by the FDA, required Actavis to acknowledge to the doctors to whom it marketed its drugs that "[b]etween June 2009 and February 2010, Actavis sales representatives distributed . . . promotional materials that . . . omitted and minimized serious risks associated with [Kadian]," including the risk of "[m]isuse, [a]buse, and [d]iversion of [o]pioids" and, specifically, the risk that "[o]pioid[s] have the potential for being abused and are sought by drug abusers and people with addiction disorders and are subject to criminal diversion."

122. Defendants also identified doctors to serve, for payment, on their speakers' bureaus and to attend programs with speakers and meals paid for by Defendants. These speaker programs provided: (1) an incentive for doctors to prescribe a particular opioid (so they might be selected to promote the drug); (2) recognition and compensation for the doctors selected as speakers; and (3) an opportunity to promote the drug through the speaker to his or her peers. These speakers give the false impression that they are providing unbiased and medically accurate presentations, when they are, in fact, presenting a script prepared by Defendants. On information and belief, these

presentations conveyed misleading information, omitted material information, and failed to correct Defendants' prior misrepresentations about the risks and benefits of opioids.

123. Defendants' detailing to doctors is effective. Marketing impacts prescribing habits and face-to-face detailing has the greatest influence. Defendants purchase, manipulate and analyze data available from IMS Health Holdings, Inc., to track, precisely, the rates of initial prescribing and renewal by individual doctors, which in turn allows them to target, tailor, and monitor the impact of their core messages.

124. Defendants employed the same marketing plans and strategies and deployed the same messages in Ohio as they did nationwide. Across the pharmaceutical industry, "core message" development is funded and overseen on a national basis by corporate headquarters. This comprehensive approach ensures that Defendants' messages are consistently delivered across marketing channels – including detailing visits, speaker events, and advertising – and in each sales territory. Defendants consider this high level of coordination and uniformity crucial to successfully marketing their drugs.

125. Defendants ensure marketing consistency nationwide through national and regional sales representative training; national training of local medical liaisons (company employees who respond to physician inquiries); centralized speaker training; single sets of visual aids, speaker slide decks, and sales training materials; and nationally coordinated advertising. Defendants' sales representatives and physician speakers were required to stick to prescribed talking points, sales messages, and slide decks, and supervisors rode along with them periodically to ensure compliance.

126. Defendants also deceptively marketed opioids in Ohio through unbranded advertising – i.e., advertising that promotes opioid use generally but does not name a specific drug. This advertising was ostensibly created and disseminated by independent third parties. By funding, directing, reviewing, editing, and distributing this unbranded advertising, Defendants controlled the

deceptive messages disseminated by these third parties and acted in concert with them to falsely and misleadingly promote opioids for the treatment of chronic pain. Much as Defendants controlled the distribution of their "core messages" via their own detailers and speaker programs, Defendants similarly controlled the distribution of these unbranded messages in scientific publications, treatment guidelines, CMEs, and medical conferences and seminars. To this end, Defendants used third-party public relations firms to help control those messages when they originated from third-parties.

127. Defendants also marketed opioids through third-party, unbranded advertising to avoid regulatory scrutiny, because that advertising typically is not reviewed by the FDA. Defendants used third-party, unbranded advertising to give the false appearance that the deceptive messages came from an independent and objective source. Defendants used third parties who they funded, directed, and/or controlled to carry out and conceal their scheme to deceive doctors and patients about the risks and benefits of long-term opioid use for chronic pain.

128. Defendants' deceptive unbranded marketing often contradicted what they said in their branded materials reviewed by the FDA.

129. Defendants also spoke through a small circle of doctors who, upon information and belief, were selected, funded, and elevated by Defendants because their public positions supported the use of opioids to treat chronic pain. These doctors became known as "key opinion leaders" or "KOLs."

130. Defendants paid KOLs to serve as consultants or on their advisory boards and to give talks or present CMEs, and Defendants' support helped these KOLs become respected industry experts. As they rose to prominence, these KOLs touted the benefits of opioids to treat chronic pain, repaying Defendants by advancing their marketing goals. KOLs professional reputations became dependent on continuing to promote a pro-opioid message, even in activities that were not directly funded by Defendants.

131. KOLs have written, consulted on, edited, and lent their names to books and articles, and have given speeches and CMEs supportive of chronic opioid therapy. Defendants created opportunities for KOLs to participate in research studies, then Defendants cited and promoted favorable studies or articles written by their KOLs. By contrast, Defendants did not support, acknowledge, or disseminate publications of doctors unsupportive or critical of chronic opioid therapy.

132. Defendants' KOLs also served on committees that developed treatment guidelines that strongly encourage the use of opioids to treat chronic pain, and on the boards of pro-opioid advocacy groups and professional societies that develop, select, and present CMEs. Defendants were able to direct and exert control over each of these activities through their KOLs. The 2016 CDC Guideline recognizes that treatment guidelines can "change prescribing practices."

133. Pro-opioid doctors are one of the most important avenues that Defendants use to spread their false and deceptive statements about the risks and benefits of long-term opioid use. Defendants know that doctors rely heavily and less critically on their peers for guidance, and KOLs provide the false appearance of unbiased and reliable support for chronic opioid therapy.

134. Dr. Russell Portenoy, former Chairman of the Department of Pain Medicine and Palliative Care at Beth Israel Medical Center in New York, is one example of a KOL, whom Defendants identified and promoted to further their marketing campaign. Dr. Portenoy received research support, consulting fees, and honoraria from Cephalon, Endo, Janssen, and Purdue (among others), and was a paid consultant to Cephalon and Purdue.

135. Dr. Portenoy was instrumental in opening the door for the regular use of opioids to treat chronic pain. He served on the American Pain Society ("APS") / American Academy of Pain Medicine ("AAPM") Guidelines Committees, which endorsed the use of opioids to treat chronic

pain, first in 1997 and again in 2009. He was also a member of the board of the American Pain Foundation ("APF"), an advocacy organization almost entirely funded by Defendants.

136. Dr. Portenoy also made frequent media appearances promoting opioids and spreading misrepresentations. He appeared on Good Morning America in 2010 to discuss the long-term use of opioids to treat chronic pain. On this widely-watched program, broadcast in Ohio and across the country, Dr. Portenoy claimed: "Addiction, when treating pain, is distinctly uncommon. If a person does not have a history, a personal history, of substance abuse, and does not have a history in the family of substance abuse, and does not have a very major psychiatric disorder, most doctors can feel very assured that that person is not going to become addicted."[18]

137. To his credit, Dr. Portenoy later admitted that he "gave innumerable lectures in the late 1980s and 1990s about addiction that weren't true." These lectures falsely claimed that less than 1% of patients would become addicted to opioids. According to Dr. Portenoy, because the primary goal was to "destigmatize" opioids, he and other doctors promoting them overstated their benefits and glossed over their risks. Dr. Portenoy also conceded that "[d]ata about the effectiveness of opioids does not exist."[19] Portenoy candidly stated: "Did I teach about pain management, specifically about opioid therapy, in a way that reflects misinformation?

Well . . . I guess I did."[20]

138. Another KOL, Dr. Lynn Webster, was the co-founder and Chief Medical Director of Lifetree Clinical Research, an otherwise unknown pain clinic in Salt Lake City, Utah.

139. Dr. Webster was President in 2013 and is a current board member of AAPM, a front group that ardently supports chronic opioid therapy. He is a Senior Editor of Pain Medicine, the same journal that published Endo special advertising supplements touting Opana ER. Dr. Webster

[18] Good Morning America television broadcast, ABC News (August 30, 2010).
[19] Thomas Catan & Evan Perez, *A Pain-Drug Champion Has Second Thoughts*, WALL ST. J., Dec. 17, 2012
[20] *Id.*

was the author of numerous CMEs sponsored by Cephalon, Endo, and Purdue. At the same time, Dr. Webster was receiving significant funding from Defendants (including nearly $2 million from Cephalon).

140. During a portion of his time as a KOL, Dr. Webster was under investigation for overprescribing by the U.S. Department of Justice's Drug Enforcement Agency, which raided his clinic in 2010. Although the investigation was closed without charges in 2014, more than 20 of Dr. Webster's former patients at the Lifetree Clinic have died of opioid overdoses.

141. Ironically, Dr. Webster created and promoted the Opioid Risk Tool, a five question, one-minute screening tool relying on patient self-reports that purportedly allows doctors to manage the risk that their patients will become addicted to or abuse opioids. The claimed ability to pre-sort patients likely to become addicted is an important tool in giving doctors confidence to prescribe opioids long-term, and for this reason, references to screening appear in various industry-supported guidelines. Versions of Dr. Webster's Opioid Risk Tool appear on, or are linked to, websites run by Endo, Janssen, and Purdue.

142. In 2011, Dr. Webster presented, via webinar, a program sponsored by Purdue titled, Managing Patient's Opioid Use: Balancing the Need and the Risk. Dr. Webster recommended use of risk screening tools, urine testing, and patient agreements as a way to prevent "overuse of prescriptions" and "overdose deaths." This webinar was available to and was intended to reach Ohio doctors.

143. Dr. Webster also was a leading proponent of the concept of "pseudoaddiction," the notion that addictive behaviors should be seen not as warnings, but as indications of undertreated pain. In Dr. Webster's description, the only way to differentiate the two was to increase a patient's dose of opioids. As he and his co-author wrote in a book entitled Avoiding Opioid Abuse While Managing Pain (2007), when faced with signs of aberrant behavior, increasing the dose "in most

cases . . . should be the clinician's first response." Endo distributed this book to doctors. Years later, Dr. Webster reversed himself, acknowledging that "[pseudoaddiction] obviously became too much of an excuse to give patients more medication."[21]

144. Defendants also entered into arrangements with seemingly unbiased and independent patient and professional organizations to promote opioids for the treatment of chronic pain. Under the direction and control of Defendants, these "Front Groups" generated treatment guidelines, unbranded materials, and programs that favored chronic opioid therapy. They also assisted Defendants by responding to negative articles, by advocating against regulatory changes that would limit opioid prescribing in accordance with the scientific evidence, and by conducting outreach to vulnerable patient populations targeted by Defendants.

145. These Front Groups depended on Defendants for funding. Defendants also exercised control over programs and materials created by these groups by collaborating on, editing, and approving their content, and by funding their dissemination. In doing so, Defendants made sure that the Front Groups would generate only the messages Defendants wanted to distribute. Despite this, the Front Groups held themselves out as independent and serving the needs of their members – whether patients suffering from pain or doctors treating those patients.

146. Defendants Cephalon, Endo, Janssen, and Purdue utilized many Front Groups, including many of the same ones. Several of the most prominent are described below, but there are many others, including the American Pain Society ("APS"), American Geriatrics Society ("AGS"), the Federation of State Medical Boards ("FSMB"), American Chronic Pain Association ("ACPA"), American Society of Pain Education ("ASPE"), National Pain Foundation ("NPF") and Pain & Policy Studies Group ("PPSG").

[21] John Frauber & Ellen Gabler, *Networking Fuels Painkiller Boom*, MILWAUKEE WISC. J. SENTINEL (Feb. 19, 2012).

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147. The American Pain Foundation ("APF") received more than $10 million in funding from opioid manufacturers from 2007, until it closed its doors in May 2012. APF issued education guides for patients, reporters, and policymakers that touted the benefits of opioids for chronic pain and trivialized their risks, particularly the risk of addiction. APF also engaged in a significant multimedia campaign – through radio, television and the internet – to educate patients about their "right" to pain treatment, namely opioids. All of the programs and materials were available nationally and were intended to reach employees and/or members of Plaintiff and the Class.

148. In 2009 and 2010, more than 80% of APF's operating budget came from pharmaceutical industry sources. By 2011, APF was entirely dependent on incoming grants from Defendants Purdue, Cephalon, Endo, and others to avoid using its line of credit.

149. APF held itself out as an independent patient advocacy organization. It often engaged in grassroots lobbying against various legislative initiatives that might limit opioid prescribing, and thus the profitability of its sponsors. It was often called upon to provide "patient representatives" for Defendants' promotional activities, including Purdue's Partners Against Pain and Janssen's Let's Talk Pain. APF functioned largely as an advocate for the interests of Defendants, not patients. Indeed, as early as 2001, Purdue told APF that the basis of a grant was Purdue's desire to "strategically align its investments in nonprofit organizations that share [its] business interests."

150. APF operated in close collaboration with opioid makers. On several occasions, representatives of the drug companies, often at informal meetings at Front Group conferences, suggested activities and publications for APF to pursue. APF then submitted grant proposals seeking to fund these activities and publications, knowing that drug companies would support projects conceived as a result of these communications.

151. The U.S. Senate Finance Committee began looking into APF in May 2012 to determine the links, financial and otherwise, between the organization and the manufacturers of

opioid painkillers. The investigation caused considerable damage to APF's credibility as an objective and neutral third party, and Defendants stopped funding it. Within days of being targeted by a Senate investigation, APF's board voted to dissolve the organization "due to irreparable economic circumstances." APF "cease[d] to exist, effective immediately."

152. The American Academy of Pain Medicine ("AAPM"), with the assistance, prompting, involvement, and funding of Defendants, issued treatment guidelines and sponsored and hosted medical education programs essential to Defendants' deceptive marketing of chronic opioid therapy.

153. AAPM received significant funding from opioid manufacturers. AAPM maintained a corporate relations council, whose members paid $25,000 per year (on top of other funding) to participate. The benefits included allowing members to present educational programs at off-site dinner symposia in connection with AAPM's marquee event – its annual meeting held in Palm Springs, California, or other resort locations. AAPM describes the annual event as an "exclusive venue" for offering education programs to doctors. Membership in the corporate relations council also allowed drug company executives and marketing staff to meet with AAPM executive committee members in small settings. Defendants Endo, Purdue, Cephalon and Actavis were members of the council and presented deceptive programs to doctors who attended this annual event.

154. AAPM is viewed internally by Endo as "industry friendly," with Endo advisors and speakers among its active members. Endo attended AAPM conferences, funded its CMEs, and distributed its publications. The conferences sponsored by AAPM heavily emphasized sessions on opioids – 37 out of roughly 40 at one conference alone. AAPM's presidents have included top industry-supported KOLs: Perry Fine, Russell Portenoy, and Lynn Webster. Dr. Webster was even elected president of AAPM while under a DEA investigation. Another past AAPM president, Dr.

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Scott Fishman, stated that he would place the organization "at the forefront" of teaching that "the risks of addiction are . . . small and can be managed."

155. Treatment guidelines have been particularly important in securing acceptance for chronic opioid therapy. They are relied upon by doctors, especially the general practitioners and family doctors targeted by Defendants, who are not experts or trained in the treatment of chronic pain. Treatment guidelines not only directly inform doctors' prescribing practices, but are cited throughout the scientific literature and referenced by third-party payers in determining whether they should cover treatments for specific indications. Pharmaceutical sales representatives employed by Endo, Actavis, and Purdue discussed treatment guidelines with doctors during individual sales visits.

156. In 1997, AAPM and the American Pain Society jointly issued a consensus statement, The Use of Opioids for the Treatment of Chronic Pain, which endorsed opioids to treat chronic pain and claimed that the risk that patients would become addicted to opioids was low. The co-author of the statement, Dr. Haddox, was at the time a paid speaker for Purdue. Dr. Portenoy was the sole consultant. The consensus statement remained on AAPM's website until 2011.

157. AAPM and APS issued guidelines in 2009 ("AAPM/APS Guidelines") and continued to recommend the use of opioids to treat chronic pain. Fourteen of the 21 panel members who drafted the AAPM/APS Guidelines, including KOLs Dr. Portenoy and Dr. Perry Fine, received support from Janssen, Cephalon, Endo, and Purdue.

158. The 2009 AAPM/APS Guidelines promoted opioids as "safe and effective" for treating chronic pain, despite acknowledging limited evidence, and concluded that the risk of addiction is manageable for patients regardless of past abuse histories. One panel member, Dr. Joel Saper, Clinical Professor of Neurology at Michigan State University and founder of the Michigan Headache & Neurological Institute, resigned from the panel because of his concerns that the 2009 Guidelines were influenced by contributions from drug companies, including Defendants, to the

sponsoring organizations and committee members. These Guidelines have been a particularly effective channel of deception and have influenced not only treating physicians, but also the body of scientific evidence on opioids. The AAPM/APS Guidelines, cited 732 times in academic literature, were disseminated in Ohio during the relevant time period and were reprinted in the *Journal of Pain.*

159. Defendants widely referenced and promoted the AAPM/APS Guidelines, without disclosing the acknowledged lack of evidence to support them.

160. Defendants worked together, through Front Groups, to spread their deceptive messages about the risks and benefits of long-term opioid therapy. For example, Defendants combined their efforts through the Pain Care Forum (PCF), which began in 2004 as an APF project. PCF is comprised of representatives from opioid manufacturers (including Cephalon, Endo, Janssen, and Purdue) and various Front Groups, almost all of which received substantial funding from Defendants. Among other projects, PCF worked to ensure that an FDA-mandated education project on opioids was not unacceptably negative and did not require mandatory participation.

161. Defendants deceptively trivialized and failed to disclose the risks of long-term opioid use, particularly the risk of addiction, through a series of misrepresentations that have been conclusively debunked by the FDA and CDC. These misrepresentations – which are described below – reinforced each other and created the dangerously misleading impression that: (1) starting patients on opioids was low risk because most patients would not become addicted, and because those who were at greatest risk of addiction could be readily identified and managed; (2) patients who displayed signs of addiction probably were not addicted and, in any event, could easily be weaned from the drugs; (3) the use of higher opioid doses, which many patients need to sustain pain relief as they develop tolerance to the drugs, do not pose special risks; and (4) abuse-deterrent opioids both prevent abuse and overdose and are inherently less addictive.

162. Defendants falsely claimed that the risk of addiction was low and that addiction is unlikely to develop when opioids are prescribed, as opposed to obtained illicitly; and failed to disclose the greater risk of addiction with prolonged use of opioids. Some examples of these false and deceptive claims are:

a. Actavis's predecessor caused a patient education brochure to be distributed in 2007 that claimed opioid addiction is possible, but "less likely if you have never had an addiction problem." Upon information and belief, based on Actavis's acquisition of its predecessor's marketing materials along with the rights to Kadian, Actavis continued to use this brochure in 2009 and beyond.

b. Cephalon and Purdue sponsored APF's *Treatment Options: A Guide for People Living with Pain* (2007), which instructed that addiction is rare and limited to extreme cases of unauthorized dose escalations, obtaining duplicative opioid prescriptions from multiple sources or theft.

c. Endo sponsored a website, Painknowledge.com, which claimed in 2009 that "[p]eople who take opioids as prescribed usually do not become addicted." Another Endo website, PainAction.com, stated "Did you know? Most chronic pain patients do not become addicted to the opioid medications that are prescribed for them."

d. Endo distributed a pamphlet with the Endo logo entitled *Living with Someone with Chronic Pain*, which stated that: "Most health care providers who treat people with pain agree that most people do not develop an addiction problem." A similar statement appeared on the Endo website www.opana.com.

e. Janssen reviewed, edited, approved, and distributed a patient education guide entitled *Finding Relief: Pain Management for Older Adults* (2009), which described as "myth" the claim that opioids are addictive, and asserted as fact that "[m]any studies show that opioids are rarely addictive when used properly for the management of chronic pain."

f. Purdue sponsored APF's *A Policymaker's Guide to Understanding Pain & Its Management* – which claims that less than 1% of children prescribed opioids will become addicted and that pain is undertreated due to "misconceptions about opioid addiction[]." This publication is still available online.

g. Detailers for Purdue, Endo, Janssen, and Cephalon in Ohio minimized or omitted any discussion with doctors of the risk of addiction; misrepresented the potential for abuse of opioids with purportedly abuse deterrent formulations; and routinely did not correct the misrepresentations noted above.

163. These claims are contrary to longstanding scientific evidence, as the FDA and CDC have conclusively declared. As noted in the 2016 CDC Guideline endorsed by the FDA, there is "extensive evidence" of the "possible harms of opioids (including opioid use disorder [an alternative term for opioid addiction])." The Guideline points out that "[o]pioid pain medication use presents serious risks, including . . . opioid use disorder" and that "continuing opioid therapy for 3 months substantially increases risk for opioid use disorder." The FDA further exposed the falsity of Defendants' claims about the low risk of addiction when it announced changes to the labels for ER/LA opioids in 2013 and for IR opioids in 2016. In its announcements, the FDA found that "most opioid drugs have 'high potential for abuse'" and that opioids "are associated with a substantial risk of misuse, abuse, NOWS [neonatal opioid withdrawal syndrome], addiction, overdose, and death." According to the FDA, because of the "known serious risks" associated with long-term opioid use, including "risks of addiction, abuse, and misuse, even at recommended doses, and because of the greater risks of overdose and death," opioids should be used only "in patients for whom alternative treatment options" like non-opioid drugs have failed. The FDA further acknowledged that the risk is not limited to patients who seek drugs illicitly; addiction "can occur in patients appropriately prescribed [opioids]."

164. The State of New York, in a 2016 settlement agreement with Endo, found that opioid "use disorders appear to be highly prevalent in chronic pain patients treated with opioids, with up to 40% of chronic pain patients treated in specialty and primary care outpatient centers meeting the clinical criteria for an opioid use disorder." Endo had claimed on its www.opana.com website that "[m]ost healthcare providers who treat patients with pain agree that patients treated with prolonged opioid medicines usually do not become addicted," but the State found that Endo had no evidence for that statement.

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165. Defendants also falsely instructed doctors and patients that the signs of addiction are actually signs of undertreated pain and should be treated by prescribing more opioids. Defendants called this phenomenon "pseudoaddiction" – a term coined by Dr. David Haddox, who went to work for Purdue, and popularized by Dr. Russell Portenoy, a KOL for Cephalon, Endo, Janssen, and Purdue – and falsely claimed that pseudoaddiction is substantiated by scientific evidence. Some examples of these deceptive claims are:

a. Cephalon and Purdue sponsored *Responsible Opioid Prescribing* (2007), which taught that behaviors such as "requesting drugs by name," "demanding or manipulative behavior," seeing more than one doctor to obtain opioids, and hoarding, are all signs of pseudoaddiction, rather than true addiction. *Responsible Opioid Prescribing* remains for sale online. The 2012 edition also taught that pseudoaddiction is real.

b. Janssen sponsored, funded, and edited the *Let's Talk Pain* website, which in 2009 stated: "pseudoaddiction . . . refers to patient behaviors that may occur when pain is under-treated . . . . Pseudoaddiction is different from true addiction because such behaviors can be resolved with effective pain management."

c. Endo sponsored a National Initiative on Pain Control (NIPC) CME program in 2009 titled *Chronic Opioid Therapy: Understanding Risk While Maximizing Analgesia*, which promoted pseudoaddiction by teaching that a patient's aberrant behavior was the result of untreated pain. Endo substantially controlled NIPC by funding NIPC projects; developing, specifying, and reviewing content; and distributing NIPC materials.

d. Purdue published a pamphlet in 2011 entitled *Providing Relief, Preventing Abuse*, which described pseudoaddiction as a concept that "emerged in the literature" to describe the inaccurate interpretation of [drug-seeking behaviors] in patients who have pain that has not been effectively treated."

e. Purdue sponsored a CME program entitled *Path of the Patient, Managing Chronic Pain in Younger Adults at Risk for Abuse.* In a role play, a chronic pain patient with a history of drug abuse tells his doctor that he is taking twice as many hydrocodone pills as directed. The narrator notes that because of pseudoaddiction, the doctor should not assume the patient is addicted even if he persistently asks for a specific drug, seems desperate, hoards medicine, or "overindulges in unapproved escalating doses." The doctor treats this patient by prescribing a high-dose, long acting opioid.

166. The 2016 CDC Guideline rejects the concept of pseudoaddiction. The Guideline explains that "[p]atients who do not experience clinically meaningful pain relief early in treatment . . .

are unlikely to experience pain relief with longer term use," and that physicians should "reassess[] pain and function within 1 month" in order to decide whether to "minimize risks of long-term opioid use by discontinuing opioids" because the patient is "not receiving a clear benefit."

167. Defendants falsely instructed doctors and patients that addiction risk screening tools, patient contracts, urine drug screens, and similar strategies allow them to reliably identify and safely prescribe opioids to patients predisposed to addiction. These misrepresentations were especially insidious because Defendants aimed them at general practitioners and family doctors who lack the time and expertise to closely manage higher-risk patients on opioids. Defendants' misrepresentations made these doctors feel more comfortable prescribing opioids to their patients and patients more comfortable starting on opioid therapy for chronic pain. Some examples of these deceptive claims are:

a. Endo paid for a 2007 supplement in the *Journal of Family Practice* written by a doctor who became a member of Endo's speakers' bureau in 2010. The supplement, entitled *Pain Management Dilemmas in Primary Care: Use of Opioids*, emphasized the effectiveness of screening tools, claiming that patients at high risk of addiction could safely receive chronic opioid therapy using a "maximally structured approach" involving toxicology screens and pill counts.

b. Purdue sponsored a 2011 webinar, *Managing Patient's Opioid Use: Balancing the Need and Risk*, which claimed that screening tools, urine tests, and patient agreements prevent "overuse of prescriptions" and "overdose deaths."

c. As recently as 2015, Purdue has represented in scientific conferences that "bad apple" patients – and not opioids – are the source of the addiction crisis and that once those "bad apples" are identified; doctors can safely prescribe opioids without causing addiction.

168. Once again, the 2016 CDC Guideline confirms the falsity of these misrepresentations. The Guideline notes that there are no studies assessing the effectiveness of risk mitigation strategies – such as screening tools, patient contracts, urine drug testing, or pill counts widely believed by doctors to detect and deter abuse – "for improving outcomes related to overdose, addiction, abuse, or misuse." As a result, the Guideline recognizes that available risk screening tools

"show insufficient accuracy for classification of patients at low or high risk for [opioid] abuse or misuse" and counsels that doctors "should not overestimate the ability of these tools to rule out risks from long-term opioid therapy."

169. To underplay the risk and impact of addiction and make doctors feel more comfortable starting patients on opioids, Defendants falsely claimed that opioid dependence can be easily addressed by tapering and that opioid withdrawal is not a problem and failed to disclose the increased difficulty of stopping opioids after long-term use.

170. Defendants deceptively minimized the significant symptoms of opioid withdrawal – which, as explained in the 2016 CDC Guideline, include drug cravings, anxiety, insomnia, abdominal pain, vomiting, diarrhea, sweating, tremor, tachycardia (rapid heartbeat), spontaneous abortion and premature labor in pregnant women, and the unmasking of 35 anxiety, depression, and addiction – and grossly understated the difficulty of tapering, particularly after long-term opioid use.

171. Defendants falsely claimed that doctors and patients could increase opioid dosages indefinitely without added risk and failed to disclose the greater risks to patients at higher dosages. The ability to escalate dosages was critical to Defendants' efforts to market opioids for long-term use to treat chronic pain because, absent this misrepresentation, doctors would have abandoned treatment when patients built up tolerance, and lower dosages did not provide pain relief. Some examples are:

a. Actavis's predecessor created a patient brochure for Kadian in 2007 that stated, "Over time, your body may become tolerant of your current dose. You may require a dose adjustment to get the right amount of pain relief. This is not addiction." Upon information and belief, based on Actavis's acquisition of its predecessor's marketing materials along with the rights to Kadian, Actavis continued to use these materials in 2009 and beyond.
b. Cephalon and Purdue sponsored *APF's Treatment Options: A Guide for People Living with Pain* (2007), which claims that some patients "need" a larger dose of an opioid, regardless of the dose currently prescribed. The guide stated that opioids have "no ceiling dose" and are therefore the most appropriate treatment for severe pain. This guide is still available for sale online.

c. Endo sponsored a website, painknowledge.com, which claimed in 2009 that opioid dosages may be increased until "you are on the right dose of medication for your pain."

d. Endo distributed a pamphlet edited by a KOL entitled *Understanding Your Pain: Taking Oral Opioid Analgesics*, which was available during the time period of this Complaint on Endo's website. In Q&A format, it asked "If I take the opioid now, will it work later when I really need it?" The response is, "The dose can be increased. . . . You won't 'run out' of pain relief."

e. Janssen sponsored a patient education guide entitled *Finding Relief: Pain Management for Older Adults* (2009), which was distributed by its sales force. This guide listed dosage limitations as "disadvantages" of other pain medicines, but omitted any discussion of risks of increased opioid dosages.

f. Purdue's *In the Face of Pain* website promotes the notion that if a patient's doctor does not prescribe what, in the patient's view, is a sufficient dosage of opioids, he or she should find another doctor who will.

g. Purdue sponsored APF's *A Policymaker's Guide to Understanding Pain & Its Management*, which taught that dosage escalations are "sometimes necessary," even unlimited ones, but did not disclose the risks from high opioid dosages. This publication is still available online.

h. Purdue sponsored a CME entitled *Overview of Management Options* that is still available for CME credit. The CME was edited by a KOL and taught that NSAIDs and other drugs, but not opioids, are unsafe at high dosages.

i. Purdue presented a 2015 paper at the College on the Problems of Drug Dependence, the "the oldest and largest organization in the US dedicated to advancing a scientific approach to substance use and addictive disorders,"[22] challenging the correlation between opioid dosage and overdose.

172. These claims conflict with the scientific evidence, as confirmed by the FDA and CDC. As the CDC explains in its 2016 Guideline, the "[b]enefits of high-dose opioids for chronic pain are not established" while the "risks for serious harms related to opioid therapy increase at higher opioid dosage." More specifically, the CDC explains that "there is now an established body of scientific evidence showing that overdose risk is increased at higher opioid dosages." The CDC

[22] www.cpdd.org

also states that "there is an increased risk for opioid use disorder, respiratory depression, and death at higher dosages."

173. The 2016 CDC Guideline reinforces earlier findings announced by the FDA. In 2013, the FDA acknowledged "that the available data does suggest a relationship between increasing opioid dose and risk of certain adverse events." For example, the FDA noted that studies "appear to credibly suggest a positive association between high-dose opioid use and the risk of overdose and/or overdose mortality."

174. Defendants' deceptive marketing of the so-called abuse-deterrent properties of some of their opioids has created the false impression that these opioids can curb addiction and abuse. Indeed, in a 2014 survey of 1,000 primary care physicians, nearly half reported that they believed abuse-deterrent formulations are inherently less addictive.[23]

175. More specifically, Defendants have made misleading claims about the ability of their so-called abuse-deterrent opioid formulations to deter abuse. For example, Endo's advertisements for the 2012 reformulation of Opana ER claimed that it was designed to be crush resistant, in a way that suggested it was more difficult to abuse. This claim was false. The FDA warned in a 2013 letter that there was no evidence Endo's design "would provide a reduction in oral, intranasal or intravenous abuse." Moreover, Endo's own studies, which it failed to disclose, showed that Opana ER could still be ground and chewed.

176. In a 2016 settlement with the State of New York, Endo agreed not to make statements in New York that Opana ER was "designed to be, or is crush resistant." The State found those statements false and deceptive because there was no difference in the ability to extract the narcotic from Opana ER. Similarly, the 2016 CDC Guideline states that "[n]o studies" support the notion that "abuse-deterrent technologies [are] a risk mitigation strategy for deterring or preventing

[23] Catherine S. Hwang, *et. al., Prescription Drug Abuse: A National Survey of Primary Care Physicians*, 175(2) JAMA INTERN. MED. 302-4 (Dec. 8, 2014)

abuse," noting that the technologies – even when they work – "do not prevent opioid abuse through oral intake, the most common route of opioid abuse, and can still be abused by non-oral routes."

177. These numerous, longstanding misrepresentations of the risks of long-term opioid use spread by Defendants successful mislead doctors and patients.

178. To convince doctors and patients that opioids should be used to treat chronic pain, Defendants also had to persuade them that there was a significant upside to long-term opioid use. But as the 2016 CDC Guideline makes clear, there is "insufficient evidence to determine the long-term benefits of opioid therapy for chronic pain." In fact, the CDC found that "[n]o evidence shows a long-term benefit of opioids in pain and function versus no opioids for chronic pain with outcomes examined at least 1 year later (with most placebo-controlled randomized trials ≤ 6 weeks in duration)" and that other treatments were more or equally beneficial and less harmful than long-term opioid use.

179. The FDA, too, has recognized the lack of evidence to support long-term opioid use. In 2013, the FDA stated that it was "not aware of adequate and well-controlled studies of opioids use longer than 12 weeks." Despite this, Defendants falsely and misleadingly touted the benefits of long-term opioid use and falsely and misleadingly suggested that these benefits were supported by scientific evidence.

180. For example, Defendants falsely claimed that long-term opioid use improved patients' function and quality of life. Some examples are:

a. Actavis distributed an advertisement that claimed that the use of Kadian to treat chronic pain would allow patients to return to work, relieve "stress on your body and your mental health," and help patients enjoy their lives.

b. Endo distributed advertisements that claimed that the use of Opana ER for chronic pain would allow patients to perform demanding tasks like construction work or work as a chef and portrayed seemingly healthy, unimpaired subjects.

c. Janssen sponsored and edited a patient education guide entitled *Finding Relief: Pain Management for Older Adults* (2009) – which states as "a fact" that "opioids may make it easier for people to live normally." The guide lists expected functional improvements from opioid use, including sleeping through the night, returning to work, recreation, sex, walking, and climbing stairs.

d. Purdue ran a series of advertisements for OxyContin in 2012 in medical journals entitled "Pain vignettes," which were case studies featuring patients with pain conditions persisting over several months and recommending OxyContin for them. The ads implied that OxyContin improves patients' function.

e. *Responsible Opioid Prescribing* (2007), sponsored and distributed by Cephalon, Endo and Purdue, taught that relief of pain by opioids, by itself, improved patients' function. The book remains for sale online.

f. Cephalon and Purdue sponsored APF's *Treatment Options: A Guide for People Living with Pain* (2007), which counseled patients that opioids "give [pain patients] a quality of life we deserve." The guide was available online until APF shut its doors in 2012.

g. Endo's NIPC website *painknowledge.com* claimed in 2009 that with opioids, "your level of function should improve; you may find you are now able to participate in activities of daily living, such as work and hobbies, that you were not able to enjoy when your pain was worse." Elsewhere, the website touted improved quality of life (as well as "improved function") as benefits of opioid therapy. The grant request that Endo approved for this project specifically indicated NIPC's intent to make misleading claims about function, and Endo closely tracked visits to the site.

h. Endo was the sole sponsor, through NIPC, of a series of CMEs titled *Persistent Pain in the Older Patient*, which claimed that chronic opioid therapy has been "shown to reduce pain and improve depressive symptoms and cognitive functioning." The CME was disseminated via webcast.

i. Janssen sponsored, funded, and edited a website, *Let's Talk Pain*, in 2009, which featured an interview edited by Janssen claiming that opioids allowed a patient to "continue to function." This video is still available today on YouTube.

j. Purdue sponsored the development and distribution of APF's *A Policymaker's Guide to Understanding Pain & Its Management*, which claimed that "multiple clinical studies" have shown that opioids are effective in improving daily function, psychological health, and health related quality of life for chronic pain patients." *The Policymaker's Guide* was originally published in 2011 and is still available online today.

k. Purdue's, Cephalon's, Endo's, and Janssen's sales representatives have conveyed and continue to convey the message that opioids will improve patient function.

181. The 2016 CDC Guideline approved by the FDA concluded that "there is no good evidence that opioids improve pain or function with long-term use, and . . . complete relief of pain is unlikely." The CDC reinforced this conclusion throughout its 2016 Guideline:

a. "No evidence shows a long-term benefit of opioids in pain and function versus no opioids for chronic pain with outcomes examined at least 1 year later . . ."

b. "Although opioids can reduce pain during short-term use, the clinical evidence review found insufficient evidence to determine whether pain relief is sustained and whether function or quality of life improves with long-term opioid therapy."

c. "[E]vidence is limited or insufficient for improved pain or function with long-term use of opioids for several chronic pain conditions for which opioids are commonly prescribed, such as low back pain, headache, and fibromyalgia."

182. The CDC also noted that the risks of addiction and death "can cause distress and inability to fulfill major role obligations."

183. In addition, Purdue misleadingly promoted OxyContin as being unique among opioids in providing 12 continuous hours of pain relief with one dose. OxyContin does not last for 12 hours – a fact that Purdue has known. According to Purdue's own research, OxyContin wears off in under six hours in one quarter of patients and in under 10 hours in more than half. This is because OxyContin tablets release approximately 40% of their active medicine immediately, after which release tapers. This triggers a powerful initial response, but provides little or no pain relief at the end of the dosing period, when less medicine is released. This phenomenon is known as "end of dose" failure, and the FDA found in 2008 that a "substantial number" of chronic pain patients taking OxyContin experience it. This not only renders Purdue's promise of 12 hours of relief false and deceptive, it also makes OxyContin more dangerous because the declining pain relief patients experience toward the end of each dosing period drives them to take more OxyContin before the next dosing period begins, quickly increasing the amount of drug they are taking and spurring growing dependence.

184. Front Groups supported by Purdue likewise echoed these representations. For example, in an amicus brief submitted to the Supreme Court of Ohio by the American Pain Foundation, the National Foundation for the Treatment of Pain and the Ohio Pain Initiative in support of Purdue, those amici represented:

> *OxyContin is particularly useful for sustained long-term pain because it comes in higher, compact pills with a slow release coating. OxyContin pills can work for 12 hours. This makes it easier for patients to comply with dosing requirements without experiencing a roller-coaster of pain relief followed quickly by pain renewal that can occur with shorter acting medications. It also helps the patient sleep through the night, which is often impossible with short-acting medications. For many of those serviced by Pain Care Amici, OxyContin has been a miracle medication.*[24]

185. Cephalon deceptively marketed its opioids Actiq and Fentora for chronic pain, even though the FDA has expressly limited their use to the treatment of cancer pain in opioid tolerant individuals. Both Actiq and Fentora are extremely powerful, fentanyl-based IR opioids. Neither is approved for or has been shown to be safe or effective for chronic pain. Indeed, the FDA expressly prohibited Cephalon from marketing Actiq for anything but cancer pain and refused to approve Fentora for the treatment of chronic pain because of the potential harm, including the high risk of "serious and life-threatening adverse events" and abuse – which are greatest in non-cancer patients. The FDA also issued a Public Health Advisory in 2007 emphasizing that Fentora should only be used for cancer patients, who are opioid-tolerant and should not be used for any other conditions, such as migraines, post-operative pain, or pain due to injury.

186. Despite this, Cephalon conducted a well-funded campaign to promote Actiq and Fentora for chronic pain and other non-cancer conditions for which it was not approved, appropriate, or safe. As part of this campaign, Cephalon used CMEs, speaker programs, KOLs, journal supplements, and detailing by its sales representatives to give doctors the false impression that Actiq and Fentora are safe and effective for treating non-cancer pain. For example:

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[24] *See* Reply Brief of Amicus Curiae of the American Pain Foundation, The National Foundation for the Treatment of Pain and the Ohio Pain Initiative Supporting Appellants, 2004 WL 1637768, at *4.

a. Cephalon paid to have a CME it sponsored, *Opioid-Based Management of Persistent and Breakthrough Pain*, published in a supplement of *Pain Medicine News* in 2009. The CME instructed doctors that "clinically, broad classification of pain syndromes as either cancer- or non-cancer-related has limited utility" and recommended Actiq and Fentora for patients with chronic pain. The CME is still available online.

b. Cephalon's sales representatives set up hundreds of speaker programs for doctors, including many non-oncologists, which promoted Actiq and Fentora for the treatment of non-cancer pain.

c. In December 2011, Cephalon widely disseminated a journal supplement entitled "*Special Report: An Integrated Risk Evaluation and Mitigation Strategy for Fentanyl Buccal Tablet (FENTORA) and Oral Transmucosal Fentanyl Citrate (ACTIQ)*" to *Anesthesiology News*, *Clinical Oncology News*, and *Pain Medicine News* – three publications that are sent to thousands of anesthesiologists and other medical professionals. The Special Report openly promotes Fentora for "multiple causes of pain" – and not just cancer pain.

187. Cephalon's deceptive marketing gave doctors and patients the false impression that Actiq and Fentora were not only safe and effective for treating chronic pain but were also approved by the FDA for such uses.

188. Purdue also unlawfully and unfairly failed to report or address illicit and unlawful prescribing of its drugs, despite knowing about it for years. Purdue's sales representatives have maintained a database since 2002 of doctors suspected of inappropriately prescribing its drugs. Rather than report these doctors to state medical boards or law enforcement authorities (as Purdue is legally obligated to do) or cease marketing to them, Purdue used the list to demonstrate the high rate of diversion of OxyContin – the same OxyContin that Purdue had promoted as less addictive – in order to persuade the FDA to bar the manufacture and sale of generic copies of the drug, because the drug was too likely to be abused. In an interview with the Los Angeles Times, Purdue's senior compliance officer acknowledged that in five years of investigating suspicious pharmacies, Purdue failed to take action – even where Purdue employees personally witnessed the diversion of its drugs. The same was true of prescribers. Despite its knowledge of illegal prescribing, Purdue did not report

until years after law enforcement shut down a Los Angeles clinic that prescribed more than 1.1 million OxyContin tablets and that Purdue's district manager described internally as "an organized drug ring." In doing so, Purdue protected its own profits at the expense of public health and safety.

189. As a part of their deceptive marketing scheme, Defendants identified and targeted susceptible prescribers and vulnerable patient populations in the U.S., including Ohio. For example, Defendants focused their deceptive marketing on primary care doctors, who were more likely to treat chronic pain patients and prescribe them drugs, but were less likely to be educated about treating pain and the risks and benefits of opioids and therefore more likely to accept Defendants' misrepresentations.

190. Defendants, both individually and collectively, made, promoted, and profited from their misrepresentations about the risks and benefits of opioids for chronic pain, even though they knew that their misrepresentations were false and deceptive. The history of opioids, as well as research and clinical experience over the last 20 years, established that opioids were highly addictive and responsible for a long list of very serious adverse outcomes. The FDA and other regulators warned Defendants of this, and Defendants had access to scientific studies, detailed prescription data, and reports of adverse events, including reports of addiction, hospitalization, and deaths – all of which made clear the harms from long-term opioid use and that patients are suffering from addiction, overdoses, and death in alarming numbers.

191. More recently, the FDA and CDC have issued pronouncements based on the medical evidence that conclusively expose the known falsity of Defendants' misrepresentations, and Endo and Purdue have recently entered agreements prohibiting them from making some of the same misrepresentations described in this Complaint in New York.

192. Moreover, at all times relevant to this Complaint, Defendants took steps to avoid detection of and to fraudulently conceal their deceptive marketing and unlawful, unfair, and

fraudulent conduct. For example, Defendants disguised their own role in the deceptive marketing of chronic opioid therapy by funding and working through third parties like Front Groups and KOLs. Defendants purposefully hid behind the assumed credibility of these individuals and organizations and relied on them to vouch for the accuracy and integrity of Defendants' false and deceptive statements about the risks and benefits of long-term opioid use for chronic pain. Defendants also never disclosed their role in shaping, editing, and approving the content of information and materials disseminated by these third parties. Defendants exerted considerable influence on these promotional and "educational" materials in emails, correspondence, and meetings with KOLs, Front Groups, and public relations companies that were not, and have not yet become, public. For example, painknowledge.org, which is run by the NIPC, did not disclose Endo's involvement. Other Defendants, such as Purdue and Janssen, ran similar websites that masked their own direct role.

193. Defendants manipulated their promotional materials and the scientific literature to make it appear that these items were accurate, truthful, and supported by objective evidence when they were not. Defendants distorted studies they cited and offered them as evidence for propositions the studies did not support. The lack of support for Defendants' deceptive messages was not apparent to medical professionals who relied upon them in making treatment decisions, nor could it have been detected by Plaintiff or the class.

194. Defendants successfully concealed from the medical community, patients, and health care payers facts sufficient to arouse suspicion of the claims that Plaintiff now asserts. Plaintiff and the Class did not know of the existence or scope of Defendants' industry-wide fraud and could not have acquired such knowledge earlier through the exercise of reasonable diligence.

195. Defendants' deceptive marketing scheme caused and continues to cause doctors treating members and/or employees of Plaintiff and the Class to prescribe opioids for chronic pain

conditions such as back pain, headaches, arthritis, and fibromyalgia. Absent Defendants' deceptive marketing scheme, these doctors would not have prescribed as many opioids.

196. Defendants' deceptive marketing scheme also caused and continues to cause patients to purchase and use opioids for their chronic pain believing they are safe and effective. Absent Defendants' deceptive marketing scheme, members and/or employees of Plaintiff and the Class would not be using opioids to treat chronic pain.

197. Defendants' deceptive marketing has caused and continues to cause an explosion in the prescribing and use of opioids to treat chronic pain.

198. Defendants knew and should have known about the harm that their deceptive marketing has caused. Defendants closely monitored their sales and the habits of prescribing doctors. Their sales representatives, who visited doctors and attended CMEs, knew which doctors were receiving their messages and how they were responding. Defendants also had access to and watched carefully government and other data that tracked the explosive rise in opioid use, addiction, injury, and death. They knew – and, indeed, intended – their misrepresentations would persuade doctors to prescribe and patients to use opioids for chronic pain.

199. Defendants' actions are not permitted nor excused by the fact that their drug labels (with the exception of the Actiq/Fentora labels) may have allowed or did not exclude the use of opioids for chronic pain. FDA approval of opioids for certain uses did not give Defendants license to misrepresent the risks and benefits of opioids. Indeed, Defendants' misrepresentations were directly contrary to pronouncements by and guidance from the FDA, based on the medical evidence and their own labels.

200. Nor is Defendants' causal role broken by the involvement of doctors. Defendants' marketing efforts were ubiquitous and highly persuasive. Their deceptive messages tainted virtually

every source doctors could rely on for information and prevented them from making informed treatment decisions.

201. Between 2010 and 2016, the Plaintiff spent tens of thousands of dollars on opioids. Many of these prescriptions were for chronic pain, and the Plaintiff would not have paid for them had Defendants told the truth about the risks and benefits of their drugs.

## CLASS ACTION AND ALLEGATIONS

202. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs.

203. Plaintiff brings this action on behalf of themselves and all others similarly situated, as members of the proposed Classes, under Civil Rule 23. The requirements of Rule 23 subparts 23(a) and 23(b)(2) and (3) are met with respect to the Classes defined below.

204. Named Plaintiff seeks to represent Classes, as to each consolidated class herein, described as follows:

a. During the fullest period allowed by law, all Ohio self-insured funds who paid charges for a member or employee's opioid prescription and all related costs, including but not limited to, office visits, care and treatment, addiction services, and any other costs due to opioids that were prescribed and filled in Ohio for a period greater than ninety (90) continuous days.

205. Plaintiff reserves the right to amend the Class definitions if discovery and further investigation reveal that any of the Classes should be expanded or otherwise modified.

206. **Numerosity/Impracticability of Joinder**: The members of the Classes are so numerous that joinder of all members would be impracticable.

207. **Commonality and Predominance**: There are common questions of law and fact that predominate over any questions affecting only individual members of each Class. For example,

whether the Defendants herein violated Ohio consumer laws in the deceptive marketing and distribution of opioid medications. Moreover, common legal and factual questions, include, but are not limited to the following aspects of Defendants' unlawful practices:

a. Whether the Defendants herein misrepresented the safety and efficacy of opioid pain medications;

b. Whether the Defendants herein negligently distributed suspicious amounts of opioid pain medications to the State of Ohio and potential Plaintiff employees and members;

c. Whether the actions of the Defendants caused the potential plaintiffs to suffer economic damages;

d. Whether Class members are entitled to payment of actual, incidental, consequential, exemplary and/or statutory damages plus interest thereon, and if so, what is the nature of such relief;

e. Whether Class members are entitled to disgorgement, etc.

208. **Typicality**: The representative Plaintiff's claims are typical of the claims of the members of the Classes. Plaintiff and Class members have been injured by the same wrongful practices of Defendants. Plaintiff's claims arise from the same practices and course of conduct that give rise to the claims of the Class members and are based on the same legal theories. The representative Plaintiff also suffered the same categories of damages, i.e., financial loss due to the opioid epidemic.

209. **Adequacy**: Plaintiff is a representative who will fully and adequately assert and protect the interests of the Classes, and have retained class counsel who are experienced and qualified in prosecuting class actions. Neither Plaintiff nor their attorneys have any interests contrary to or conflicting with the Classes.

210. **Superiority**: A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit, because individual litigation of the claims of all Class members is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by the Classes are likely in the millions of dollars, the individual damages incurred by each Class member are too small to warrant the expense of individual suits. The likelihood of individual Class members prosecuting their own separate claims is remote, and even if every Class member could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases. Further, individual members of the Classes do not have a significant interest in individually controlling the prosecution of separate actions, and individualized litigation would also result in varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all of the parties and the court system because of multiple trials of the same factual and legal issues. Plaintiff is not aware of any difficulty to be encountered in the management of this action that would preclude its maintenance as a class action. In addition, Defendants have acted or refused to act on grounds generally applicable to the Classes and, as such, final injunctive relief or corresponding declaratory relief with regard to the members of the Class as a whole is appropriate.

211. Plaintiff does not anticipate any difficulty in the management of this litigation.

## FIRST CAUSE OF ACTION

### OHIO CONSUMER SALES PRACTICES ACT ("CSPA") R.C. 1345.02 AND 1345.03

### (Against All Defendants)

212. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs. "Defendants" as used through this count refers to the "Defendants."

213. This Cause of Action seeks civil penalties and restitution to the Plaintiff and the Class who, on behalf of consumers, paid for opioid prescriptions for chronic pain and therefore have been damaged by Defendants' conduct.

214. The CSPA prohibits, in connection with consumer transactions, unfair, deceptive or unconscionable consumer sales practices that mislead consumers about the nature of the product they are receiving. Specifically, the CSPA prohibits sellers from representing: that the subject of a consumer transaction has sponsorship, approval, performance characteristics, accessories, uses, or benefits that it does not have. R.C. §1345.02(B) (1).

215. Further, under R.C. §1345.07(A)(3)(c), the following acts are deemed to be deceptive, pursuant to cases located within the Attorney General's Public Inspection File ("PIF"):

a. Making any express or implied statement in connection with the marketing or advertisement of any product that is false, or has the capacity, tendency or effect of deceiving or misleading consumers; or omitting any material information such that the express or implied statement deceives or tends to deceive consumers. *State of Ohio ex rel. Rogers v. Airborne Health, Inc.*, Case No. 08-CVH-1217848 (Franklin County Court of Common Pleas).

b. Making any representation, in connection with the marketing or advertising of a product, about research that has been performed, including but not limited to any representation that a product has been clinically tested, unless at the time the claim is made, competent and reliable scientific evidence exists substantiating such claim. *Airborne Health.*

c. Making, in connection with the marketing or advertising of a product, any statements or representations concerning a product that materially contradict or conflict with any other statements or representations the Defendants made about such Product and render such statements or representations misleading and/or deceptive. *Airborne Health.*

d. Making, or causing to be made, any written or oral claim that is false, misleading or deceptive. *State of Ohio ex rel. Michael DeWine v. Amgen Inc.*, Case No. 15CV7216 (Franklin County Court of Common Pleas).

e. Representing that any product has any sponsorship, approval, characteristics, ingredients, uses, benefits, quantities, or qualities that it does not have. *Amgen Inc.*

f. Making, in a promotional context an express or implied representation, not approved or permitted for use in the labeling or under the FDCA, that a product is better, more effective, useful in a broader range of conditions or patients, safer, has fewer, or less incidence of, or less serious side effects or contraindications than has been demonstrated by competent and reliable scientific evidence, whether or not such express or implied representation is made by comparison with another drug or treatment, and whether or not such a representation or suggestion is made directly or through use of published or unpublished literature, a quotation, or other reference. *Amgen Inc.*

g. Presenting information from a study in a way that implies that the study represents larger or more general experience with a product than it actually does. *Amgen Inc.*

h. Misleadingly presenting favorable information or conclusion(s) from a study that is inadequate in design, scope, or conduct to furnish significant support for such information or conclusion(s) for information that may be material to an HCP prescribing decision when presenting information about a clinical study regarding a product. *Amgen Inc.*

i. Making, or causing to be made, any written or oral claim, directly or by promotional speakers, that is false, misleading, or deceptive regarding any FDA approved product, including, but not limited to, any false, misleading, or deceptive claim when

comparing the efficacy or safety of two products. *State of Ohio ex rel. Michael DeWine v. Pfizer Inc.*, Case No. 12 CV 15188 (Franklin County Court of Common Pleas).

j. Making any claim, directly or by promotional speakers, comparing the safety or efficacy of a product to another product when the claim is not supported by substantial evidence. *Pfizer Inc.*

k. Making any claim, directly or by promotional speakers, that contradicts or minimizes a precaution, warning, or adverse reaction that is described in product labeling. *Pfizer Inc.*

216. As alleged herein, each Defendant, at all times relevant to this Complaint, violated CSPA by making deceptive representations about the use of opioids to treat chronic non-cancer pain.

217. Each Defendant also omitted or concealed material facts and failed to correct prior misrepresentations and omissions about the risks and benefits of opioids.

218. Each Defendant's omissions rendered even their seemingly truthful statements about opioids deceptive.

219. Defendant Purdue made and/or disseminated deceptive statements, including, but not limited to, the following:

a. Creating, sponsoring, and assisting in the distribution of patient education materials distributed to members or employees of the Plaintiff and the Class that contained deceptive statements;

b. Creating and disseminating advertisements that contained deceptive statements concerning the ability of opioids to improve function long-term and concerning the evidence supporting the efficacy of opioids long-term for the treatment of chronic, non-cancer pain;

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c. Disseminating misleading statements concealing the true risk of addiction and promoting the deceptive concept of pseudoaddiction through Purdue's own unbranded publications and on internet sites Purdue operated that were marketed to and accessible by consumers;

d. Sponsoring, directly distributing, and assisting in the distribution of publications that promoted the deceptive concept of pseudoaddiction, even for high-risk patients;

e. Endorsing, directly distributing, and assisting in the distribution of publications that presented an unbalanced treatment of the long-term and dose-dependent risks of opioids versus NSAIDs;

f. Providing significant financial support to pro-opioid KOL doctors who made deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

g. Providing needed financial support to pro-opioid pain organizations that made deceptive statements, including in-patient education materials, concerning the use of opioids to treat chronic non-cancer pain;

h. Assisting in the distribution of guidelines that contained deceptive statements concerning the use of opioids to treat chronic, non-cancer pain and misrepresented the risks of opioid addiction;

i. Endorsing and assisting in the distribution of CMEs containing deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

j. Developing and disseminating scientific studies that misleadingly concluded opioids are safe and effective for the long-term treatment of chronic, non-cancer pain and that opioids improve quality of life, while concealing contrary data;

k. Assisting in the dissemination of literature written by pro-opioid KOLs that contained deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

l. Creating, endorsing, and supporting the distribution of patient and prescriber education materials that misrepresented the data regarding the safety and efficacy of opioids for the long-term treatment of chronic, non-cancer pain, including known rates of abuse and addiction and the lack of validation for long-term efficacy;

m. Exclusively disseminating misleading statements in education materials to Ohio hospital doctors and staff, while purportedly educating them on new pain standards;

n. Making deceptive statements concerning the use of opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing.

220. Defendant Endo made and/or disseminated deceptive statements, including, but not limited to, the following:

a. Creating, sponsoring, and assisting in the distribution of patient education materials to members or employees of the Plaintiff and the Class that contained deceptive statements;

b. Creating and disseminating advertisements that contained deceptive statements concerning the ability of opioids to improve function long-term and concerning the evidence supporting the efficacy of opioids long-term for the treatment of chronic, non-cancer pain;

c. Creating and disseminating paid advertisement supplements in academic journals promoting chronic opioid therapy as safe and effective for long-term use for high risk patients;

d. Creating and disseminating advertisements that falsely and inaccurately conveyed the impression that Endo's opioids would provide a reduction in oral, intranasal, or intravenous abuse;

e. Disseminating misleading statements concealing the true risk of addiction and promoting the misleading concept of pseudoaddiction through Endo's own unbranded publications and on internet sites Endo sponsored or operated;

f. Endorsing, directly distributing, and assisting in the distribution of publications that presented an unbalanced treatment of the long-term and dose-dependent risks of opioids versus NSAIDs;

g. Providing significant financial support to pro-opioid KOLs, who made deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

h. Providing needed financial support to pro-opioid pain organizations – including over $5 million to the organization responsible for many of the most egregious misrepresentations – that made deceptive statements to members or employees of the Plaintiff and the Class including in-patient education materials, concerning the use of opioids to treat chronic, non-cancer pain;

i. Endorsing and assisting in the distribution of CMEs containing deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

j. Developing and disseminating scientific studies that deceptively concluded opioids are safe and effective for the long-term treatment of chronic, non-cancer pain and that opioids improve quality of life, while concealing contrary data;

k. Directly distributing and assisting in the dissemination of literature written by pro-opioid KOLs that contained deceptive statements concerning the use of opioids to treat chronic, non-cancer pain, including the concept of pseudoaddiction;

l. Creating, endorsing, and supporting the distribution of patient and prescriber education materials that misrepresented the data regarding the safety and efficacy of opioids for the long-term treatment of chronic, non-cancer pain, including known rates of abuse and addiction and the lack of validation for long-term efficacy; and

m. Making deceptive statements concerning the use of opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing.

221. Defendant Janssen made and/or disseminated deceptive statements, including, but not limited to, the following:

a. Creating, sponsoring, and assisting in the distribution of patient education materials to members or employees of the Plaintiff and the Class that contained deceptive statements;

b. Directly disseminating deceptive statements through internet sites, over which Janssen exercised final editorial control and approval, stating that opioids are safe and effective for the long-term treatment of chronic, non-cancer pain and that opioids improve quality of life, while concealing contrary data;

c. Disseminating deceptive statements concealing the true risk of addiction and promoting the deceptive concept of pseudoaddiction through internet sites over which Janssen exercised final editorial control and approval;

d. Promoting opioids for the treatment of conditions for which Janssen knew, due to the scientific studies it conducted, that opioids were not effective and concealing this information;

e. Sponsoring, directly distributing, and assisting in the dissemination of patient education publications over which Janssen exercised final editorial control and

approval, which presented an unbalanced treatment of the long-term and dose-dependent risks of opioids versus NSAIDs;

f. Providing significant financial support to pro-opioid KOLs, who made deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

g. Providing necessary financial support to pro-opioid pain organizations that made deceptive statements, including in-patient education materials, concerning the use of opioids to treat chronic, non-cancer pain;

h. Endorsing and assisting in the distribution of CMEs containing deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

i. Directly distributing and assisting in the dissemination of literature written by pro-opioid KOLs that contained deceptive statements concerning the use of opioids to treat chronic, non-cancer pain, including the concept of pseudoaddiction;

j. Creating, endorsing, and supporting the distribution of patient and prescriber education materials that misrepresented the data regarding the safety and efficacy of opioids for the long-term treatment of chronic, non-cancer pain, including known rates of abuse and addiction and the lack of validation for long-term efficacy; and

k. Making deceptive statements concerning the use of opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing.

222. Defendant Cephalon made and/or disseminated untrue, false, and deceptive statements, including, but not limited to, the following:

a. Creating, sponsoring, and assisting in the distribution of patient education materials to members or employees of the Plaintiff and the Class that contained deceptive statements;

b. Sponsoring and assisting in the distribution of publications that promoted the deceptive concept of pseudoaddiction, even for high-risk patients;

c. Providing significant financial support to pro-opioid KOL doctors who made deceptive statements concerning the use of opioids to treat chronic, non-cancer pain and breakthrough chronic, non-cancer pain;

d. Developing and disseminating scientific studies that deceptively concluded opioids are safe and effective for the long-term treatment of chronic, non-cancer pain in conjunction with Cephalon's potent rapid-onset opioids;

e. Providing needed financial support to pro-opioid pain organizations that made deceptive statements, including in patient education materials, concerning the use of opioids to treat chronic, non-cancer pain;

f. Endorsing and assisting in the distribution of CMEs containing deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

g. Endorsing and assisting in the distribution of CMEs containing deceptive statements concerning the use of Cephalon's rapid-onset opioids;

h. Directing its marketing of Cephalon's rapid-onset opioids to a wide range of doctors, including general practitioners, neurologists, sports medicine specialists, and workers' compensation programs, serving chronic pain patients;

i. Making deceptive statements concerning the use of Cephalon's opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing and speakers' bureau events, when such uses are unapproved and unsafe; and

j. Making deceptive statements concerning the use of opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing and speakers' bureau events.

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223. Defendant Actavis made and/or disseminated deceptive statements, including, but not limited to, the following:

a. Making deceptive statements concerning the use of opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing;

b. Creating and disseminating advertisements that contained deceptive statements that opioids are safe and effective for the long-term treatment of chronic, non-cancer pain and that opioids improve quality of life;

c. Creating and disseminating advertisements that concealed the risk of addiction in the long-term treatment of chronic, non-cancer pain; and

d. Developing and disseminating scientific studies that deceptively concluded opioids are safe and effective for the long-term treatment of chronic non-cancer pain and that opioids improve quality of life while concealing contrary data.

224. These deceptive representations and concealments were reasonably calculated to deceive the Plaintiff and the Class and the members or employees of the Plaintiff and the Class, were made with the intent to deceive the Plaintiff and the Class and the members or employees of the Plaintiff and the Class, and did in fact deceive the Plaintiff and the Class and the members or employees of the Plaintiff and the Class, thus causing the Plaintiff and the Class to pay for prescription opioids for chronic, non-cancer pain.

225. As described more specifically above, Defendants' representations and concealments constitute a course of conduct which continues to this day.

226. But for these deceptive representations and concealments of material fact, the Plaintiff combined with the Class would not incurred millions of dollars in overpayments for Defendants' opioid drugs.

227. As a direct and proximate cause of Defendants' deceptive conduct, the Plaintiff and the Class have been injured in an amount to be determined at trial.

**SECOND CAUSE OF ACTION**
**COMMON LAW FRAUD**
**(Against All Defendants)**

228. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs. "Defendants" as used throughout this count refers to the "Defendants".

229. As alleged herein, Defendants engaged in false representations and concealments of material fact regarding the use of opioids to treat chronic, non-cancer pain.

230. Defendant Purdue made and/or disseminated deceptive statements, including, but not limited to, the following:

a. Creating, sponsoring, and assisting in the distribution of patient education materials distributed to Plaintiff and the Class and members or employees of the Plaintiff or the Class that contained deceptive statements;

b. Creating and disseminating advertisements that contained deceptive statements concerning the ability of opioids to improve function long-term and concerning the evidence supporting the efficacy of opioids long-term for the treatment of chronic, non-cancer pain;

c. Disseminating misleading statements concealing the true risk of addiction and promoting the deceptive concept of pseudoaddiction through Purdue's own unbranded publications and on internet sites Purdue operated that were marketed to and accessible by consumers;

d. Distributing brochures to doctors and patients that included deceptive statements concerning the indicators of possible opioid abuse;

e. Sponsoring, directly distributing, and assisting in the distribution of publications that promoted the deceptive concept of pseudoaddiction, even for high-risk patients;

f. Endorsing, directly distributing, and assisting in the distribution of publications that presented an unbalanced treatment of the long-term and dose-dependent risks of opioids versus NSAIDs;

g. Providing significant financial support to pro-opioid KOL doctors who made deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

h. Providing needed financial support to pro-opioid pain organizations that made deceptive statements, including in-patient education materials, concerning the use of opioids to treat chronic, non-cancer pain;

i. Assisting in the distribution of guidelines that contained deceptive statements concerning the use of opioids to treat chronic, non-cancer pain and misrepresented the risks of opioid addiction;

j. Endorsing and assisting in the distribution of CMEs containing deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

k. Developing and disseminating scientific studies that misleadingly concluded opioids are safe and effective for the long-term treatment of chronic, non-cancer pain and that opioids improve quality of life, while concealing contrary data;

l. Assisting in the dissemination of literature written by pro-opioid KOLs that contained deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

m. Creating, endorsing, and supporting the distribution of patient and prescriber education materials that misrepresented the data regarding the safety and efficacy of opioids for the long-term treatment of chronic, non-cancer pain, including known

rates of abuse and addiction and the lack of validation for long-term efficacy; including known rates of abuse and addiction and the lack of validation for long-term efficacy;

n. Exclusively disseminating misleading statements in education materials to Ohio hospital doctors and staff while purportedly educating them on new pain standards; and

o. Making deceptive statements concerning the use of opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing.

231. Defendant Endo made and/or disseminated deceptive statements, including, but not limited to, the following:

a. Creating, sponsoring, and assisting in the distribution of patient education materials to Plaintiff and the Class and members or employees of the Plaintiff or the Class that contained deceptive statements;

b. Creating and disseminating advertisements that contained deceptive statements concerning the ability of opioids to improve function long-term and concerning the evidence supporting the efficacy of opioids long-term for the treatment of chronic, non-cancer pain;

c. Creating and disseminating paid advertisement supplements in academic journals promoting chronic opioid therapy as safe and effective for long-term use for high risk patients;

d. Creating and disseminating advertisements that falsely and inaccurately conveyed the impression that Endo's opioids would provide a reduction in oral, intranasal, or intravenous abuse;

e. Disseminating misleading statements concealing the true risk of addiction and promoting the misleading concept of pseudoaddiction through Endo's own unbranded publications and on internet sites Endo sponsored or operated;

f. Endorsing, directly distributing, and assisting in the distribution of publications that presented an unbalanced treatment of the long-term and dose-dependent risks of opioids versus NSAIDs;

g. Providing significant financial support to pro-opioid KOLs, who made deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

h. Providing needed financial support to pro-opioid pain organizations – including over $5 million to the organization responsible for many of the most egregious misrepresentations – that made deceptive statements, including inpatient education materials, concerning the use of opioids to treat chronic, non-cancer pain;

i. Endorsing and assisting in the distribution of CMEs containing deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

j. Developing and disseminating scientific studies that deceptively concluded opioids are safe and effective for the long-term treatment of chronic, non-cancer pain and that opioids improve quality of life, while concealing contrary data;

k. Directly distributing and assisting in the dissemination of literature written by pro-opioid KOLs that contained deceptive statements concerning the use of opioids to treat chronic, non-cancer pain, including the concept of pseudoaddiction;

l. Creating, endorsing, and supporting the distribution of patient and prescriber education materials that misrepresented the data regarding the safety and efficacy of opioids for the long-term treatment of chronic, non-cancer pain, including known rates of abuse and addiction and the lack of validation for long-term efficacy; and

m. Making deceptive statements concerning the use of opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing.

232. Defendant Janssen made and/or disseminated deceptive statements, including, but not limited to, the follow:

a. Creating, sponsoring, and assisting in the distribution of patient education materials to Plaintiff and the Class and members or employees of the Plaintiff or the Class that contained deceptive statements;

b. Directly disseminating deceptive statements through internet sites over which Janssen exercised final editorial control and approval stating that opioids are safe and effective for the long-term treatment of chronic, non-cancer pain and that opioids improve quality of life, while concealing contrary data;

c. Disseminating deceptive statements concealing the true risk of addiction and promoting the deceptive concept of pseudoaddiction through internet sites over which Janssen exercised final editorial control and approval;

d. Promoting opioids for the treatment of conditions for which Janssen knew, due to the scientific studies it conducted, that opioids were not effective and concealing this information;

e. Sponsoring, directly distributing, and assisting in the dissemination of patient education publications over which Janssen exercised final editorial control and approval, which presented an unbalanced treatment of the long-term and dose dependent risks of opioids versus NSAIDs;

f. Providing significant financial support to pro-opioid KOLs, who made deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

g. Providing necessary financial support to pro-opioid pain organizations that made deceptive statements, including in patient education materials, concerning the use of opioids to treat chronic, non-cancer pain;

h. Endorsing and assisting in the distribution of CMEs containing deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

i. Directly distributing and assisting in the dissemination of literature written by pro-opioid KOLs that contained deceptive statements concerning the use of opioids to treat chronic, non-cancer pain, including the concept of pseudoaddiction;

j. Creating, endorsing, and supporting the distribution of patient and prescriber education materials that misrepresented the data regarding the safety and efficacy of opioids for the long-term treatment of chronic, non-cancer pain, including known rates of abuse and addiction and the lack of validation for long-term efficacy;

k. Making deceptive statements concerning the use of opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing.

233. Defendant Cephalon made and/or disseminated untrue, false, and deceptive statements, including, but not limited to, the following:

a. Creating, sponsoring, and assisting in the distribution of patient education materials to members or employees of the Plaintiff or the Class that contained deceptive statements;

b. Sponsoring and assisting in the distribution of publications that promoted the deceptive concept of pseudoaddiction, even for high-risk patients;

c. Providing significant financial support to pro-opioid KOL doctors who made deceptive statements concerning the use of opioids to treat chronic, non-cancer pain and breakthrough chronic, non-cancer pain;

d. Developing and disseminating scientific studies that deceptively concluded opioids are safe and effective for the long-term treatment of chronic, non-cancer pain in conjunction with Cephalon's potent rapid-onset opioids;

e. Providing needed financial support to pro-opioid pain organizations that made deceptive statements, including in-patient education materials, concerning the use of opioids to treat chronic, non-cancer pain;

f. Endorsing and assisting in the distribution of CMEs containing deceptive statements concerning the use of opioids to treat chronic, non-cancer pain;

g. Endorsing and assisting in the distribution of CMEs containing deceptive statements concerning the use of Cephalon's rapid-onset opioids;

h. Directing its marketing of Cephalon's rapid-onset opioids to a wide range of doctors, including general practitioners, neurologists, sports medicine specialists, and workers' compensation programs, serving chronic pain patients;

i. Making deceptive statements concerning the use of Cephalon's opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing and speakers' bureau events, when such uses are unapproved and unsafe; and

j. Making deceptive statements concerning the use of opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing and speakers' bureau events.

234. Defendant Actavis made and/or disseminated deceptive statements, including, but not limited to, the following:

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a. Making deceptive statements to Plaintiff and the Class and members and employees of Plaintiff and the Class concerning the use of opioids to treat chronic, non-cancer pain to Ohio prescribers through in-person detailing;

b. Creating and disseminating advertisements that contained deceptive statements that opioids are safe and effective for the long-term treatment of chronic, non-cancer pain and that opioids improve quality of life;

c. Creating and disseminating advertisements that concealed the risk of addiction in the long-term treatment of chronic, non-cancer pain; and

d. Developing and disseminating scientific studies that deceptively concluded opioids are safe and effective for the long-term treatment of chronic, non-cancer pain and that opioids improve quality of life while concealing contrary data.

235. These false representations and concealments were reasonably calculated to deceive the Plaintiff, the Class and each of their members and employees and the physicians who submitted prescriptions for payment to the Plaintiff and the Class; were made with the intent to deceive; and did, in fact, deceive the Plaintiff and the Class and each of their members and employees, as well as their prescribing physicians who submitted prescriptions for payment to the Plaintiff and the Class, which paid for prescription opioids for chronic pain.

236. But for these false representations and concealments of material fact, the Plaintiff and the Class would not have incurred millions of dollars, collectively, in overpayments for opioids.

237. The members or employees of the Plaintiff and the Class who submitted opioid prescriptions for payment to the Plaintiff and the Class and the physicians who prescribed the prescriptions reasonably relied on these false representations and concealments of material fact.

238. As a direct and proximate cause of Defendants' fraudulent conduct, the Plaintiff and the Class have been injured.

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**THIRD CAUSE OF ACTION**
**UNJUST ENRICHMENT**
**(Against All Defendants)**

239. Plaintiff incorporated by reference the allegations contained in the preceding paragraphs.

240. Plaintiff and the members of the putative Class conferred a benefit to Defendants by paying for opioids for long-term use.

241. The benefits that Plaintiff and the Class conferred on Defendants were the product of Defendants' misrepresentations and bad faith.

242. Defendants knew or reasonably should have known that Plaintiff and the Class had conferred these benefits on them.

243. Defendants retained the benefits that Plaintiff and the Class conferred under circumstances where it would be unjust for Defendants to do so without payment to Plaintiff and the Class.

244. Plaintiff and the Class lack an adequate legal remedy for recovering the benefits that they conferred on Defendants, and it would be unjust for Defendants to retain those benefits.

**FOURTH CAUSE OF ACTION**
**NEGLIGENCE**
**(Against All Defendants)**

245. Plaintiff incorporated by reference the allegations contained in the preceding paragraphs.

246. Defendants have a duty to exercise reasonable care in the distribution of opioids.

247. Defendants breached their duty of care by failing to monitor and reduce the distribution of opioids.

248. Defendants placed their profit motives above their legal duty and enabled, encouraged, and caused the over-prescribing and distribution of opioids.

249. Defendants intentionally and/or negligently failed to perform their duty to help to prevent the over-prescription of opioids.

250. The Plaintiff and the Class are without fault and they would not have paid millions of dollars in inappropriate prescriptions but for the wrongful conduct of the Defendants.

251. The Defendants were a proximate cause of the over-prescription of the opioids and, hence, the millions of dollars in inappropriate prescriptions paid for by Plaintiff and the members of the putative Class.

**FIFTH CAUSE OF ACTION**
**DECEPTIVE TRADE PRACTICES**
**CHAPTER 4165 OHIO REVISED CODE**
**(Against All Defendants)**

252. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

253. Defendants violated Chapter 4165 of the Ohio Revised Code, because they engaged in deceptive trade practices in this state.

254. Plaintiff has been injured by reason of Defendants' violation of Chapter 4165 of the Ohio Revised Code.

**SIXTH CAUSE OF ACTION**
**NEGLIGENCE PER SE**
**(Against All Defendants)**

255. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

256. Defendants have a duty to comply with the regulations of the Ohio Revised Code §§ 2925.02, 2925.03, 3767.01, 4729.35, and Ohio Administrative Code §§ 4729-9-12, 4729-9-28, are

public safety laws. Each Defendant had a duty under, inter alia, these laws maintain effective controls against diversion of prescription opioids and to guard against, prevent, and report suspicious orders of opioids.

257. Defendants' violations of the law constitute negligence per se.

258. Defendants failed to comply with Ohio law.

259. In the instant case, Ohio law requires that the Defendants know their customers, which includes, an awareness of the customer base, knowledge of the average prescriptions filled each day, the percentage of controlled substances compared to overall purchases, a description of how the dispenser fulfills its responsibility to ensure that prescriptions filled are for legitimate medical purposes, and identification of physicians and bogus centers for the alleged treatment of pain that are the dispenser's most frequent prescribers.

260. Defendants have failed to diligently respond to the suspicious orders which Defendants have filled.

261. Defendants have failed to provide effective controls and procedures to guard against diversion of controlled substances in contravention of Ohio law.

262. Defendants have willfully turned a blind eye towards the actual facts by regularly distributing large quantities of controlled substances to retailers and dispensers who are serving a customer base comprised of individuals who are themselves abusing and/or dealing prescription medications, many of whom are addicted and all of whom can reasonably be expected to become addicted.

263. Defendants negligently acted with others by dispensing controlled substances for illegitimate medical purposes, operating bogus pain clinics which do little more than provide prescriptions for controlled substances and thereby creating and continuing addictions to prescription medications in this state.

264. Defendants have, by their acts and omissions, proximately caused and substantially contributed to damages to Plaintiff by violating Ohio law, by creating conditions which contribute to the violations of Ohio laws by others, and by their negligent and/or reckless disregard of the customs, standards and practices within their own industry.

265. Plaintiff has suffered and will continue to suffer enormous damages as the proximate result of the failure by Defendants to comply with Ohio law.

266. Defendants' acts and omissions imposed an unreasonable risk of harm to others separately and/or combined with the negligent and/or criminal acts of third parties.

267. Defendants are in a class of a limited number of parties that can legally sell and distribute opioids, which places it in a position of great trust by Plaintiff.

268. The trust placed in Defendants by Plaintiff through the license to distribute opioids creates a duty on behalf of Defendants to prevent diversion of the medications it supplies to illegal purposes.

269. A negligent and/or intentional violation of this trust poses distinctive and significant dangers Plaintiff from the diversion of opioids for non-legitimate medical purposes and addiction to the same by consumers.

270. Defendants were negligent in not acquiring and utilizing special knowledge and special skills that relate to the dangerous activity in order to prevent and/or ameliorate such distinctive and significant dangers.

271. Defendants are required to exercise a high degree of care and diligence to prevent injury to the public from the diversion of opioids during distribution.

272. Defendants breached their duty to exercise the degree of care, prudence, watchfulness, and vigilance commensurate to the dangers involved in the transaction of its business.

273. Defendants are in exclusive control of the management of the opioids it distributed to pharmacies and drug stores.

274. Plaintiff is without fault and the injuries to Plaintiff would not have occurred in the ordinary course of events had Defendants used due care commensurate to the dangers involved in the distribution of opioids.

275. The harm that has occurred is the type of harm the above referenced Ohio laws were intended to guard against.

276. Defendants breached this duty by failing to take any action to prevent or reduce the distribution of the opioids.

277. As a direct and proximate result of Defendants' negligence per se, Plaintiff has suffered and continues to suffer injury, including but not limited to incurring excessive costs related to paying for opioid prescriptions.

278. Defendants were negligent in failing to monitor and guard against third-party misconduct and participated and enabled such misconduct.

279. Defendants were negligent in failing to monitor against diversion of opioid pain medications.

280. Plaintiff is entitled to recover damages caused by Defendants' fraud in an amount to be determined at trial.

## SEVENTH CAUSE OF ACTION
## NEGLIGENT MARKETING
## (Against All Defendants)

281. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

282. Defendants had a duty to exercise reasonable care in the marketing of opioids.

283. Defendants were aware of the potentially dangerous situation involving opioids.

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284. Defendants marketed opioids in an improper manner by:

a. overstating the benefits of chronic opioid therapy, promising improvement in patients' function and quality of life, and failing to disclose the lack of evidence supporting long-term use;

b. trivializing or obscuring opioids' serious risks and adverse outcomes, including the risk of addiction, overdose, and death;

c. overstating opioids' superiority compared with other treatments, such as other non-opioid analgesics, physical therapy, and other alternatives;

d. mischaracterizing the difficulty of withdrawal from opioids and the prevalence of withdrawal symptoms;

e. marketing opioids for indications and benefits that were outside of the opioids' labels and not supported by substantial evidence.

285. It was Defendants' marketing—and not any medical breakthrough—that rationalized prescribing opioids for chronic pain and opened the floodgates of opioid use and abuse. The result has been catastrophic.

286. Defendants disseminated many of their false, misleading, imbalanced, and unsupported statements indirectly, through KOLs and Front Groups, and in unbranded marketing materials. These KOLs and Front Groups were important elements of Defendants' marketing plans, which specifically contemplated their use, because they seemed independent and therefore outside FDA oversight. Through unbranded materials, Defendants, with their own knowledge of the risks, benefits and advantages of opioids, presented information and instructions concerning opioids generally that were contrary to, or at best, inconsistent with information and instructions listed on Defendants' branded marketing materials and drug labels. Defendants did so knowing that unbranded materials typically are not submitted to or reviewed by the FDA.

287. Defendants also marketed opioids through the following vehicles: (a) KOLs, who could be counted upon to write favorable journal articles and deliver supportive CMEs; (b) a body of biased and unsupported scientific literature; (c) treatment guidelines; (d) CMEs; (e) unbranded patient education materials; and (f) Front Group patient-advocacy and professional organizations, which exercised their influence both directly and through Defendant-controlled KOLs who served in leadership roles in those organizations.

288. Defendants knew or should have known that opioids were unreasonably dangerous and could cause addiction.

289. Defendants' marketing was a factor in physicians, patients, and others to prescribe or purchase opioids.

290. As a direct and proximate result of Defendants' negligence, Plaintiff has suffered and continues to suffer injury, including but not limited to incurring excessive costs related to paying for opioid prescriptions.

291. Plaintiff is entitled to recover damages caused by Defendants' negligence in an amount to be determined at trial.

**SEVENTH CAUSE OF ACTION**
**OHIO CORRUPT PRACTICES ACT**
**OHIO REVISED CODE, §§ 2923.31, *et seq.***
**(Against All Defendants)**

292. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

293. Defendants each operated an enterprise, for purposes that the illegal distribution of opioids for chronic pain. As explained herein, each Defendant conduct involves the commission of criminal offenses; the prohibited criminal conduct constitutes a pattern of corrupt activity; and each Defendant participated in the affairs of an enterprise and acquired and maintained control of an

enterprise. *See Universal Coach, Inc. v. New York lori Transit Auth., Inc.*, 629 N.E.2d 28, 32 (Ohio Ct. App. 1993)(cit. om.).

294. The defendants are persons within the meaning of Ohio Revised Code Section 2923.31(G) whom conducted the affairs of an enterprise through a pattern of racketeering activity, in violation of Chapter 2923.

295. Plaintiff is a person as defined in Ohio Revised Code Section 2923.31(G).

296. Plaintiff was injured in its business as a result of the Defendants' wrongful conduct.

297. Pursuant to Ohio Rev. Code Ann. § 2923.34(A), Plaintiff has a claim for damages due to the wrongful conduct of the Defendants.

**A. The Opioids Diversion Enterprise**

298. Each Defendant formed an association-in-fact enterprise ("Opioids Diversion Enterprise"), and participated in the affairs of this enterprise when distributing highly dangerous, addictive opioid drugs. Each Defendant's Opioids Diversion Enterprise consists of (a) each Defendant, including its employees and agents; and (b) each Defendant's retail pharmacies which placed orders for vast quantities of opioids. Indeed, the Defendants could not have diverted opioids without the participation of retail pharmacies. The events described herein required retail pharmacies to place orders for these vast quantities of opioids.

299. Each Defendant and its respective pharmacy customers participated in the conduct of the Opioids Diversion Enterprise, sharing the common purpose of profiting from the sale of opioids, through a pattern of racketeering activity, which includes multiple violations of Ohio state criminal law and multiple instances of mail or wire fraud.

300. Each Defendant's Opioids Diversion Enterprise is an ongoing and continuing business organization that created and maintained systematic links for a common purpose: to profit from the sale of opioid prescription pills. Each Defendant conducted this enterprise

notwithstanding that its failure to abide by mandatory checks and balances constituted unlawful diversion of a dangerous controlled substance.

301. The system is structured such that manufacturers, wholesalers and pharmacies see greater profits at higher volumes. As a result, these companies are financially discouraged from undertaking efforts to combat opioid abuse. Wholesale Distributors acquire pharmaceuticals, including opioids, from manufacturers at an established wholesale acquisition cost ("WAC"). Discounts and rebates may be offered by the manufacturers based on, inter alia, market share and volume. Thus, the Defendant Wholesale Distributors are incentivized to order greater amounts so that they can decrease the cost per pill. The Defendant Wholesale Distributors used the decreased cost per pill to increase their market share (and thus, profits), by offering more competitive prices, or they maintained their prices and pocketed the difference as additional profit. Either way, increased sales volumes result in increased profits. At every turn, each Defendant maximized its profits through discounts and rebates by ordering and selling more opioids.

302. As described above and expressly incorporated herein, the Defendant Wholesale Distributors: A) were placed on notice by the DEA, and were the subject of repeated DEA enforcement actions; and B) misrepresented their compliance with their legal obligations to maintain a closed system.

303. Each Defendant's Opioid Diversion Enterprise has caused opioids to be abused by Plaintiff's employees and members, with an ongoing cascade of human suffering and death that continues to consume the resources of Plaintiff.

304. Each Defendant and its respective retail pharmacy customers were willing participants in the Opioids Diversion Enterprise, had a common purpose and interest in the object of the scheme, and functioned within a structure designed to effectuate the Enterprise's purpose.

**B. Conduct of the Opioids Diversion Enterprise**

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305. To accomplish the common purpose of profiting from the sale of opioid prescription pills, each Defendant's Opioids Diversion Enterprise periodically and systematically misrepresented – either affirmatively or through half-truths and omissions – to the general public, Plaintiff, Ohio consumers, and the Ohio Board of Pharmacy, that it was fulfilling the requirements of its Ohio wholesale distributor license when, in fact, the duty to maintain effective controls to prevent diversion for non-medical purposes was being ignored in pursuit of ever increasing profits.

306. The persons engaged in each Defendant's Opioids Diversion Enterprise are systematically linked through contractual relationships, financial ties, and continuing coordination of activities. Typically, this communication occurred, and continues to occur, through the use of the wires and mail in which each Defendant and its respective retail pharmacy customers communicate to facilitate the prescription opioid orders.

307. Each Defendant's Opioids Diversion Enterprise functions as a continuing unit for the purposes of profiting from the sale of opioid prescription drugs.

308. At all relevant times, the retail pharmacy customers were aware of Defendants' conduct, were knowing and willing participants in that conduct, and reaped benefits from that conduct.

309. The sheer volume of prescription opioids flooding out of the doors of the Defendants and into communities across the country shocks the conscience and required each Defendant to take appropriate action, such as investigating such as investigating and reporting the orders as suspicious. Given their place in the supply chain, the Defendants are uniquely situated to identify suspicious transactions. However, determined to increase their revenues, each of the Defendants willfully ignored obvious warning signs concerning suspicious orders. It would be virtually impossible for all of the orders to be legitimate, as there was no medical-need correlation justifying the skyrocketing orders for these addictive drugs.

310. For all times relevant to this Complaint, each Defendant exerted control over its Opioids Diversion Enterprise and participated in the operation and management of the affairs of the Opioids Diversion Enterprise, directly or indirectly, in the following ways:

a. Defendants obtained a license from the Ohio Board of Pharmacy but, contrary to the requirements of Ohio law, including federal laws incorporated by reference into Ohio law, Defendants failed to take necessary action to maintain effective controls against diversion of dangerously addictive prescription opioids, and in dereliction of nondelegable duties, marketed, distributed, and sold opioid pills to their retail pharmacy customers notwithstanding that the increase and quantum of addictive drug orders raised serious red flags regarding the drugs' unlawful, non-medical use;

b. Defendants misrepresented their compliance with their legal obligations, making false assurances that their marketing, sales and distribution complied with the law, including without limitation the requirements of Ohio manufacturer and distributor licenses, when, in truth, Defendants sold all the opioids they could, for profit, and in violation of their legal duties to guard against diversion of prescription opioids for illicit purposes;

c. Defendants refused to heed the DEA's warnings and continued to sell opioids and fill suspicious orders which were likely to be diverted;

d. Defendants refused to abide by the terms of DEA enforcement actions and settlements, continuing to sell opioids to market opioids and fill suspicious orders;

e. Defendants did not monitor, detect, investigate, refuse to fill, and report suspicious orders to the Ohio Board of Pharmacy as required under the terms of their licenses and applicable law;

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f. Defendants intentionally and/or unlawfully sold the opioids unlawfully, purely for profit and without regard to the opioid plague, notwithstanding Defendants' knowledge that substantial foreseeable harm would occur;

g. Defendants only succeeded in these opioid sales by using wire and mail to communicate with physicians and retail pharmacies.

311. The defendants and retail pharmacies participated in each Defendant's Opioid Diversion Enterprise by employing mail and wire to send orders of opioids to Defendants and to buy opioids from Defendants. The retail pharmacies also participated in each Defendant's Opioid Diversion Enterprise by engaging with Defendants in violation of Ohio Revised Code § 2925.03(A), as described below.

312. The scheme devised and implemented by each Defendant, as well as other members of each Defendant's Opioids Diversion Enterprise, amounted to a common course of conduct intended to profit from Opioid sales.

**C. Pattern of Racketeering Activity**

313. Defendants conducted and participated in the conduct of the affairs of their respective Opioids Diversion Enterprise through a pattern of racketeering activity, which constitutes Corrupt Activity under Section 2923.31(I).

314. Regardless of any licenses or registrations held by Defendants to market, sell and distribute dangerous and harmful drugs, including opioids, their conduct was not "lawful." Defendants engaged in a fraudulent and unlawful course of conduct constituting a pattern of racketeering activity.

315. The pattern of racketeering activity alleged herein and each Defendant's Opioids Diversion Enterprise are separate and distinct from each other. Likewise, each Defendant is distinct from the Opioids Diversion Enterprise.

316. The pattern of racketeering activity alleged herein is continuing as of the date of this Complaint and, upon information and belief, will continue into the future unless enjoined by this Court.

317. Many of the precise dates of the Defendants' criminal actions at issue here have been hidden and cannot be alleged without access to Defendants' books and records. Indeed, Defendants' misrepresentations to the public, the Ohio Board of Pharmacy, and the DEA, depended on secrecy.

318. Each instance of racketeering activity alleged herein was related, had similar purposes, involved the same or similar participants and methods of commission, and had similar results affecting similar victims, including Plaintiff. Defendants crafted the scheme to ensure their own profits remained high, without regard to the effect such behavior had on Plaintiff. In designing and implementing the scheme, at all times Defendants were cognizant of the fact that those in the distribution chain and the Ohio Board of Pharmacy, inter alia, rely on the integrity of the Defendants to maintain a closed system and to protect against the non-medical uses of these dangerously addictive opioid drugs.

319. Defendants have knowingly engaged in, attempted to engage in, conspired to engage in, or solicited another person to engage in racketeering activity, including the distribution of dangerous and harmful drugs to persons, including minors, in violation of Ohio Revised Code Chapter 2925, at retail pharmacies, hospitals, and other health care facilities throughout Ohio.

320. Defendants' actions were criminal and in violation of Ohio Revised Code Chapter 2925, and more specifically Section 2925.03(A), which forbids the distribution of controlled substances. Ohio Revised Code § 2925.03(A) states no person shall knowingly do any of the following:

(1) Sell or offer to sell a controlled substance or a controlled substance analog;

> (2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.

OHIO REV. CODE ANN. § 2925.03(A) (1-2).

321. The Defendants do not qualify for the Subsection (B) exception because Defendants' conduct was not in accordance with Chapter 4729, including code Ohio Revised Code Section 4729.35. Because Defendants failed to report suspicious sales, among other wrongful conduct described herein, their conduct is not in compliance, thereby stripping them of the Subsection (B) exception. See OHIO ADMIN. CODE § 4729-9-16(H)(1)(e)(i) ("The wholesaler shall inform the state board of pharmacy of suspicious orders for drugs when discovered. Suspicious orders are those which, in relation to the wholesaler's records as a whole, are of unusual size, unusual frequency, or deviate substantially from established buying patterns."). Any violation of Section 2925.03 is defined as "racketeering activity." OHIO REV. CODE ANN. § 2923.31(I)(2)(c).

322. Defendants have knowingly engaged in, attempted to engage in, conspired to engage in, or solicited another person to engage in racketeering activity, including thousands of separate instances of use of the United States Mail or interstate wire facilities in furtherance of the unlawful Opioids Diversion Enterprise. Each of these fraudulent mailings and interstate wire transmissions constitutes racketeering activity and collectively, these violations constitute a pattern of racketeering activity. Defendants specifically intended to obtain money by means of false pretenses, representations, and promises, and used the mail and interstate wires for the purpose of executing this scheme; specifically, the Defendants communicated with physicians and their retail pharmacy customers via wire and used the mail to receive orders and sell drugs unlawfully. Any violation of the

mail or wire fraud statutes is defined as "racketeering activity." OHIO REV. CODE ANN. § 2923.31(I)(1) (incorporating 18 U.S.C.A. § 1961(1)(B), which includes mail and wire fraud).

**D. Damages**

323. Defendants' violations of law and their pattern of racketeering activity have directly and proximately caused Plaintiff to be injured in their business because Plaintiff has paid for costs associated with the opioid epidemic, as described above and expressly incorporated herein by reference.

324. Plaintiff's injuries, and those of her citizens, were proximately caused by Defendants' racketeering activities. But for Defendants' conduct, the Plaintiff would not have paid the costs associated with opioids.

325. Plaintiff's injuries were directly caused by Defendants' racketeering activities.

326. Plaintiff was most directly harmed, and there is no other Plaintiff better situated to seek a remedy for the economic harms at issue here.

327. Plaintiff seeks all legal and equitable relief as allowed by law, including inter alia actual damages, treble damages, equitable relief, a civil penalty of up to one hundred thousand dollars, attorney fees and costs (OHIO REV. CODE ANN. § 2923.34), and/or pre- and postjudgment interest; however, notwithstanding any other statement in this Complaint, Plaintiff does not seek relief under Ohio Revised Code § 2923.34(B)(3), (4), or (5).

## EIGHTH CAUSE OF ACTION
## INJURY THROUGH CRIMINAL ACTS
## OHIO REVISED CODE §§ 2307.60
## (Against All Defendants)

328. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

329. Ohio Revised Code § 2307.60(A)(1), "by its plain and unambiguous terms, creates a statutory cause of action for damages resulting from any criminal act," unless otherwise prohibited

by law. *Jacobson v. Kaforey*, 75 N.E.3d 203, 206 (Ohio 2016). "Anyone injured … by a criminal act has … a civil action" unless a civil action "is specifically excepted by law." OHIO REV. CODE ANN. § 2307.60(A)(1).

330. As described above in language incorporated herewith by reference, Plaintiff has been injured by the Defendants' actions causing the opioid epidemic

331. Plaintiff has sustained economic injuries as a result of Defendants' actions, omissions, and unlawful conduct.

332. Said actions and omissions were criminal and in violation of Ohio Revised Code Chapter 2925, and more specifically Section 2925.03(A), which forbids the distribution of controlled substances. Defendants also sold drugs unlawfully pursuant to Ohio Revised Code §§ 4729.28, 4729.99(B).

333. In addition, under Ohio law it is unlawful to "[b]y any means, administer or furnish to another or induce or cause another to use a controlled substance, and thereby cause serious physical harm to the other person, or cause the other person to become drug dependent." OHIO REV. CODE ANN. § 2925.02(A)(3). The exemption in this statute only applies when the drug wholesaler's "conduct is in accordance with Chapter[]. . . 4729. . . of the Revised Code." OHIO REV. CODE ANN. § 2925.02(B). Because Defendants failed to inter alia report suspicious sales, their conduct is not in compliance, and Defendants have thereby forfeited the protection provided by the exception. See OHIO ADMIN. CODE § 4729-9-16.

334. Plaintiff seeks all legal and equitable relief as allowed by law, including inter alia injunctive relief, full compensatory and punitive or exemplary damages, and all damages allowed by law to be paid by the Defendant Wholesale Distributors, attorney fees and costs, and pre- and post-judgment interest.

## PRAYER FOR RELIEF

**WHEREFORE**, Plaintiffs demand judgment against defendants, jointly and severally, as to all Causes of Action, awarding Plaintiff in amounts likely to exceed $25,000:

i. compensatory damages in an amount sufficient to fairly and completely compensate Plaintiffs for all damages;

ii. treble damages, penalties and costs pursuant to Ohio Revised Code Sections 1345.09(B));

iii. Punitive Damages;

iv. Interest, Costs and Disbursements;

v. Imposition of an award of actual and triple the actual damages the County has sustained as a result of Defendants' violation of the Ohio Corrupt Practices Act;

vi. That Defendants be ordered to abate the public nuisance they created in violation of Ohio law;

vii. Such and further relief as this Court may deem just and proper;

## JURY DEMAND

Plaintiffs demand a trial by jury on all claims to the maximum number of jurors permitted by law.

Dated: February 21, 2018

PLEVIN, & GALLUCCI COMPANY, L.P.A.

*/s/ Frank Gallucci* (0072680)
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-and-

NAPOLI SHKOLNIK, PLLC

*/s/ Paul J. Napoli*
Paul J. Napoli (To be admitted *pro hac vice*)
Joseph L. Ciaccio (To be admitted *pro hac vice*)
Salvatore C. Badala (To be admitted *pro hac vice*)
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Melville, New York 11747

-and-

DEMER & MARNIELLA, LLC

/s/ James A. Marniella, LLC
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# EXHIBIT 3

Print

# CASE INFORMATION

## CV-18-893314 MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. vs. PURDUE PHARMA, L.P., ET AL

Docket Information

| Filing Date | Side | Type | Description | Image |
|---|---|---|---|---|
| 03/26/2018 | N/A | JE | UPON NOTICE BY THE PARTIES, EFFECTIVE 03/23/2018K, ALL CLAIMS BY PLAINTIFF AGAINST DEFENDANT RUSSELL PORTENOY, MD, ONLY ARE DISMISSED WITHOUT PREJUDICE PURSUANT TO CIV.R.41(A). PARTIAL. NOTICE ISSUED | |
| 03/23/2018 | D20 | NT | NOTICE FILED BY D20 RUSSELL PORTENOY JOINT NOTICE OF DISMISSAL | |
| 03/23/2018 | D20 | NT | NOTICE OF APPEARANCE, FILED D20 RUSSELL PORTENOY JORDAN D. RAUCH 0093389. NOTICE OF APPEARANCE OF O. JUDSON SCHEAF III AND JORDAN D. RAUCH | |
| 03/21/2018 | N/A | JE | UNOPPOSED MOTION FOR EXTENSION TO TIME FOR DEFENDANTS MCKESSON CORPORATION, CARDINAL HEALTH, INC., AND AMERISOURCEBERGEN CORPORATION TO RESPOND TO PLAINTIFFS COMPLAINT, FILED 03/12/2018, IS GRANTED. CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT, FILED 03/09/2018, IS GRANTED. UNOPPOSED MOTION FOR EXTENSION OF TIME FOR DEFENDANTS PERRY FINE, M.D., SCOTT FISHMAN, M.D. AND LYNN WEBSTER, M.D. TO RESPOND TO PLAINTIFFS' COMPLAINT, FILED 03/07/2018, IS GRANTED. ALL DEFENDANTS HAVE UNTIL 4:30 ON 05/31/2018 TO RESPOND TO PLAINTIFFS' COMPLAINT. NOTICE ISSUED | |
| 03/16/2018 | D19 | NT | NOTICE OF APPEARANCE, FILED D19 AMERISOURCEBERGEN CORPORATION SANDRA K ZERRUSEN 0070883. NOTICE OF ENTRY OF APPEARANCE | |
| 03/12/2018 | D | MO | MOTION FOR EXTENSION OF TIME UNOPPOSED MOTION FOR EXTENSION TO TIME FOR DEFENDANTS MCKESSON CORPORATION, CARDINAL HEALTH, INC., AND AMERISOURCEBERGEN CORPORATION TO RESPOND TO PLAINTIFFS¿ COMPLAINT 03/21/2018 - GRANTED | |
| 03/09/2018 | D | MO | MOTION FOR EXTENSION OF TIME CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT 03/21/2018 - GRANTED | |
| 03/07/2018 | D | MO | MOTION FOR EXTENSION OF TIME UNOPPOSED MOTION FOR EXTENSION OF TIME FOR DEFENDANTS PERRY FINE, M.D., SCOTT FISHMAN, M.D. AND LYNN WEBSTER, M.D. TO RESPOND TO PLAINTIFFS' COMPLAINT 03/21/2018 - GRANTED | |
| 03/02/2018 | D17 | NT | NOTICE OF APPEARANCE, FILED D17 MCKESSON CORPORATION VINCENT I. HOLZHALL 0074901. NOTICE OF APPEARANCE OF VINCENT I. HOLZHALL AND ALANA VALLE TANOURY | |
| 03/01/2018 | N/A | SR | FEDEX RECEIPT NO. 34607759 DELIVERED BY FEDEX 02/27/2018 WEBSTER/LYNN/ PROCESSED BY COC 03/01/2018. | |
| 02/28/2018 | D | NT | NOTICE OF APPEARANCE, FILED DEFENDANT(S) PERRY FINE(D21), SCOTT FISHMAN(D22) and LYNN WEBSTER(D23) TYLER G TARNEY 0089082. NOTICE OF APPEARANCE | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607758 DELIVERED BY FEDEX 02/27/2018 FISHMAN/SCOTT/ PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607757 DELIVERED BY FEDEX 02/27/2018 FINE/PERRY/ PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607755 DELIVERED BY FEDEX 02/27/2018 AMERISOURCEBERGEN CORPORATION PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607754 DELIVERED BY FEDEX 02/27/2018 CARDINAL HEALTH, INC. PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607753 DELIVERED BY FEDEX 02/27/2018 MCKESSON CORPORATION PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607751 DELIVERED BY FEDEX 02/27/2018 ENDO HEALTH SOLUTIONS, INC. PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607746 DELIVERED BY FEDEX 02/27/2018 ALLERGAN PLC PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607745 DELIVERED BY FEDEX 02/27/2018 ENDO | |

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| | | | PHARMACEUTICALS, INC. PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607744 DELIVERED BY FEDEX 02/27/2018 ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607743 DELIVERED BY FEDEX 02/27/2018 JANSSEN PHARMACEUTICALS, INC. PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607742 DELIVERED BY FEDEX 02/27/2018 JOHNSON & JOHNSON PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607741 DELIVERED BY FEDEX 02/27/2018 CEPHALON, INC. PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607740 DELIVERED BY FEDEX 02/27/2018 TEVA PHARMACEUTICALS USA, INC. PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607739 DELIVERED BY FEDEX 02/27/2018 PURDUE FREDERICK COMPANY, INC PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607738 DELIVERED BY FEDEX 02/27/2018 PURDUE PHARMA, INC. PROCESSED BY COC 02/28/2018. | |
| 02/28/2018 | N/A | SR | FEDEX RECEIPT NO. 34607737 DELIVERED BY FEDEX 02/27/2018 PURDUE PHARMA, L.P. PROCESSED BY COC 02/28/2018. | |
| 02/27/2018 | N/A | SR | FEDEX RECEIPT NO. 34607756 DELIVERED BY FEDEX 02/26/2018 PORTENOY/RUSSELL/ PROCESSED BY COC 02/27/2018. | |
| 02/27/2018 | N/A | SR | FEDEX RECEIPT NO. 34607752 DELIVERED BY FEDEX 02/26/2018 INSYS THERAPEUTICS, INC. PROCESSED BY COC 02/27/2018. | |
| 02/27/2018 | N/A | SR | FEDEX RECEIPT NO. 34607750 DELIVERED BY FEDEX 02/26/2018 ACTAVIS PHARMA, INC. PROCESSED BY COC 02/27/2018. | |
| 02/27/2018 | N/A | SR | FEDEX RECEIPT NO. 34607749 DELIVERED BY FEDEX 02/26/2018 ACTAVIS, LLC. PROCESSED BY COC 02/27/2018. | |
| 02/27/2018 | N/A | SR | FEDEX RECEIPT NO. 34607748 DELIVERED BY FEDEX 02/26/2018 WATSON LABORATORIES, INC. PROCESSED BY COC 02/27/2018. | |
| 02/27/2018 | N/A | SR | FEDEX RECEIPT NO. 34607747 DELIVERED BY FEDEX 02/26/2018 ACTAVIS, INC. PROCESSED BY COC 02/27/2018. | |
| 02/22/2018 | P1 | NT | NOTICE OF SUBSTITUTION OF COUNSEL FILED NOTICE OF SUBSTITUTION OF CO-COUNSEL FOR PLAINTIFF | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | D23 | CS | WRIT FEE | |
| 02/21/2018 | D23 | SR | SUMS COMPLAINT(34607759) SENT BY FEDERAL EXPRESS. TO: LYNN WEBSTER PRA HEALTH SCIENCES 3838 S 700 E #202 SALT LAKE COUNTY, UT 84106 | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | D22 | CS | WRIT FEE | |
| 02/21/2018 | D22 | SR | SUMS COMPLAINT(34607758) SENT BY FEDERAL EXPRESS. TO: SCOTT FISHMAN 2221 STOCKTON BLVD. SACRAMENTO, CA 95817 | |
| 02/21/2018 | D21 | CS | WRIT FEE | |
| 02/21/2018 | D21 | SR | SUMS COMPLAINT(34607757) SENT BY FEDERAL EXPRESS. TO: PERRY FINE 615 ARAPEEN WAY, SUITE 155 SALT LAKE COUNTY, UT 84132 | |
| 02/21/2018 | D20 | CS | WRIT FEE | |
| 02/21/2018 | D20 | SR | SUMS COMPLAINT(34607756) SENT BY FEDERAL EXPRESS. TO: RUSSELL PORTENOY 39 BROADWAY, 1ST FLOOR NEW YORK, NY 10006 | |
| 02/21/2018 | D19 | CS | WRIT FEE | |
| 02/21/2018 | D19 | SR | SUMS COMPLAINT(34607755) SENT BY FEDERAL EXPRESS. TO: AMERISOURCEBERGEN CORPORATION CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801 | |
| 02/21/2018 | D18 | CS | WRIT FEE | |
| 02/21/2018 | D18 | SR | SUMS COMPLAINT(34607754) SENT BY FEDERAL EXPRESS. TO: CARDINAL HEALTH, INC. 7000 CARDINAL PLACE DUBLIN, OH 43017 | |
| 02/21/2018 | D17 | CS | WRIT FEE | |

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| 02/21/2018 | D17 | SR | SUMS COMPLAINT(34607753) SENT BY FEDERAL EXPRESS. TO: MCKESSON CORPORATION 50 WEST BROAD STREET, SUITE 1330 COLUMBUS, OH 43215 | |
| 02/21/2018 | D16 | CS | WRIT FEE | |
| 02/21/2018 | D16 | SR | SUMS COMPLAINT(34607752) SENT BY FEDERAL EXPRESS. TO: INSYS THERAPEUTICS, INC. 1333 S. SPECTRUM BLVD., #100 CHANDLER, AZ 85286 | |
| 02/21/2018 | D15 | CS | WRIT FEE | |
| 02/21/2018 | D15 | SR | SUMS COMPLAINT(34607751) SENT BY FEDERAL EXPRESS. TO: ENDO HEALTH SOLUTIONS, INC. C/O CORPORATION TRUST CO. 1209 ORANGE STREET WILMINGTON, DE 19801 | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | D14 | CS | WRIT FEE | |
| 02/21/2018 | D14 | SR | SUMS COMPLAINT(34607750) SENT BY FEDERAL EXPRESS. TO: ACTAVIS PHARMA, INC. CORPORATE CREATIONS NETWORK, INC 119 E. COURT STREET CINCINNATI, OH 45202 | |
| 02/21/2018 | D13 | CS | WRIT FEE | |
| 02/21/2018 | D13 | SR | SUMS COMPLAINT(34607749) SENT BY FEDERAL EXPRESS. TO: ACTAVIS, LLC. CORPORATE CREATIONS NETWORK, INC. 119 E. COURT STREET CINCINNATI, OH 45202 | |
| 02/21/2018 | D12 | CS | WRIT FEE | |
| 02/21/2018 | D12 | SR | SUMS COMPLAINT(34607748) SENT BY FEDERAL EXPRESS. TO: WATSON LABORATORIES, INC. CORPORATION CREATIONS NETWORK, INC. 119 E. COURT STREET CINCINNATI, OH 45202 | |
| 02/21/2018 | D11 | CS | WRIT FEE | |
| 02/21/2018 | D11 | SR | SUMS COMPLAINT(34607747) SENT BY FEDERAL EXPRESS. TO: ACTAVIS, INC. CORPORATE CREATIONS NETWORK, INC. 119 E. COURT STREET CINCINNATI, OH 45202 | |
| 02/21/2018 | D10 | CS | WRIT FEE | |
| 02/21/2018 | D10 | SR | SUMS COMPLAINT(34607746) SENT BY FEDERAL EXPRESS. TO: ALLERGAN PLC CT CORPORATION SYSTEM 4400 EASTON COMMONS WAY, SUITE 125 COLUMBUS, OH 43215 | |
| 02/21/2018 | D9 | CS | WRIT FEE | |
| 02/21/2018 | D9 | SR | SUMS COMPLAINT(34607745) SENT BY FEDERAL EXPRESS. TO: ENDO PHARMACEUTICALS, INC. C/O CORPORATION TRUST CO. 1209 ORANGE STREET WILMINGTON, DE 19801 | |
| 02/21/2018 | D8 | CS | WRIT FEE | |
| 02/21/2018 | D8 | SR | SUMS COMPLAINT(34607744) SENT BY FEDERAL EXPRESS. TO: ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. 116 PINE STREET, SUITE 320 HARRISBURG, PA 17101 | |
| 02/21/2018 | D7 | CS | WRIT FEE | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | N/A | SR | SUMMONS E-FILE COPY COST | |
| 02/21/2018 | D7 | SR | SUMS COMPLAINT(34607743) SENT BY FEDERAL EXPRESS. TO: JANSSEN PHARMACEUTICALS, INC. 116 PINE STREET SUITE 320 HARRISBURG, PA 17101 | |
| 02/21/2018 | D6 | CS | WRIT FEE | |
| 02/21/2018 | D6 | SR | SUMS COMPLAINT(34607742) SENT BY FEDERAL EXPRESS. TO: JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933 | |
| 02/21/2018 | D5 | CS | WRIT FEE | |
| 02/21/2018 | D5 | SR | SUMS COMPLAINT(34607741) SENT BY FEDERAL EXPRESS. TO: CEPHALON, INC. C/O CORPORATE CREATIONS NETWORK INC 3411 SILVERSIDE ROAD WILMINGTON, DE | |

| | | | | |
|---|---|---|---|---|
| | | | 19810 | |
| 02/21/2018 | D4 | CS | WRIT FEE | |
| 02/21/2018 | D4 | SR | SUMS COMPLAINT(34607740) SENT BY FEDERAL EXPRESS. TO: TEVA PHARMACEUTICALS USA, INC. C/O CORPORATE CREATIONS NETWORK INC 3411 SILVERDALE ROAD WILMINGTON, DE 19810 | |
| 02/21/2018 | D3 | CS | WRIT FEE | |
| 02/21/2018 | D3 | SR | SUMS COMPLAINT(34607739) SENT BY FEDERAL EXPRESS. TO: PURDUE FREDERICK COMPANY, INC C/O PRENTICE HALL CORPORATION 2711 CENTERVILLE ROAD WILMINGTON, DE 19808 | |
| 02/21/2018 | D2 | CS | WRIT FEE | |
| 02/21/2018 | D2 | SR | SUMS COMPLAINT(34607738) SENT BY FEDERAL EXPRESS. TO: PURDUE PHARMA, INC. C/O PRENTICE HALL CORPORATION 2711 CENTERVILLE ROAD WILMINGTON, DE 19808 | |
| 02/21/2018 | D1 | CS | WRIT FEE | |
| 02/21/2018 | D1 | SR | SUMS COMPLAINT(34607737) SENT BY FEDERAL EXPRESS. TO: PURDUE PHARMA, L.P. C/O PRENTICE HALL CORPORATION 2711 CENTERVILLE ROAD WILMINGTON, DE 19808 | |
| 02/21/2018 | N/A | SF | JUDGE MICHAEL J RUSSO ASSIGNED (RANDOM) | |
| 02/21/2018 | P1 | SF | ADDITIONAL DEPOSIT FOR SERVICE, OVER 5 DEFENDANTS $65 | |
| 02/21/2018 | P1 | SF | LEGAL RESEARCH | |
| 02/21/2018 | P1 | SF | LEGAL NEWS | |
| 02/21/2018 | P1 | SF | LEGAL AID | |
| 02/21/2018 | P1 | SF | COURT SPECIAL PROJECTS FUND | |
| 02/21/2018 | P1 | SF | COMPUTER FEE | |
| 02/21/2018 | P1 | SF | CLERK'S FEE | |
| 02/21/2018 | P1 | SF | DEPOSIT AMOUNT PAID FRANK L GALLUCCI | |
| 02/21/2018 | N/A | SF | CASE FILED: COMPLAINT | |

Only the official court records available from the Cuyahoga County Clerk of Courts, available in person, should be relied upon as accurate and current.
For questions/comments please click here.
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SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113



| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D1 FX | 34607737 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

PURDUE PHARMA, L.P.
C/O PRENTICE HALL CORPORATION
2711 CENTERVILLE ROAD
WILMINGTON DE 19808

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plaintiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT CUYAHOGA COUNTY OHIO

**DATE SENT**
Feb 21, 2018

By _____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830977287**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Mailroom |
| **Signed for by:** | P.SISOFO | **Delivery location:** | 251 LITTLE FALLS DR<br>WILMINGTON, DE 19808 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 09:24 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830977287 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
PURDUE PHARMA, L.P.
C/O PRENTICE HALL CORPORATION
2711 CENTERVILLE ROAD
WILMINGTON, DE 19808 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607737

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113



| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D2 FX | 34607738 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

PURDUE PHARMA, INC.
C/O PRENTICE HALL CORPORATION
2711 CENTERVILLE ROAD
WILMINGTON DE 19808

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT CUYAHOGA COUNTY OHIO

**DATE SENT**
Feb 21, 2018

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830978055**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Mailroom |
| **Signed for by:** | P.SISOFO | **Delivery location:** | 251 LITTLE FALLS DR<br>WILMINGTON, DE 19808 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 09:24 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830978055 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
PURDUE PHARMA, INC.
C/O PRENTICE HALL CORPORATION
2711 CENTERVILLE ROAD
WILMINGTON, DE 19808 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607738

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D3 FX | 34607739 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

PURDUE FREDERICK COMPANY, INC
C/O PRENTICE HALL CORPORATION
2711 CENTERVILLE ROAD
WILMINGTON DE 19808

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT ★ CUYAHOGA COUNTY OHIO ★

**DATE SENT**
Feb 21, 2018

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830977780**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Mailroom |
| **Signed for by:** | P.SISOFO | **Delivery location:** | 251 LITTLE FALLS DR<br>WILMINGTON, DE 19808 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 09:24 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830977780 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
PURDUE FREDERICK COMPANY, INC
C/O PRENTICE HALL CORPORATION
2711 CENTERVILLE ROAD
WILMINGTON, DE 19808 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607739

Thank you for choosing FedEx.

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D4 FX | 34607740 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. **PLAINTIFF**

**VS**

PURDUE PHARMA, L.P., ET AL **DEFENDANT**

# SUMMONS

TEVA PHARMACEUTICALS USA, INC.
C/O CORPORATE CREATIONS NETWORK INC
3411 SILVERDALE ROAD
WILMINGTON DE 19810

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

| DATE SENT |
|---|
| Feb 21, 2018 |

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

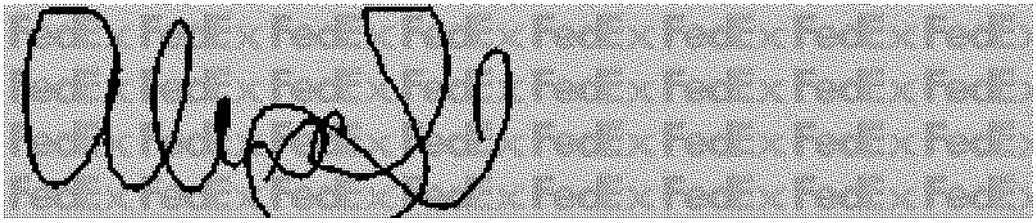
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830978890**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | S.ALEXA | **Delivery location:** | C O CORPORATE CREATIONS NETWOR<br>WILMINGTON, DE 19810 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 10:44 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830978890 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
TEVA PHARMACEUTICALS USA, INC.
C/O CORPORATE CREATIONS NETWORK INC
3411 SILVERDALE ROAD
WILMINGTON, DE 19810 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607740

Thank you for choosing FedEx.

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D5 FX | 34607741 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

CEPHALON, INC.
C/O CORPORATE CREATIONS NETWORK INC
3411 SILVERSIDE ROAD
WILMINGTON DE 19810

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plaintiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

**DATE SENT**
Feb 21, 2018

By _____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

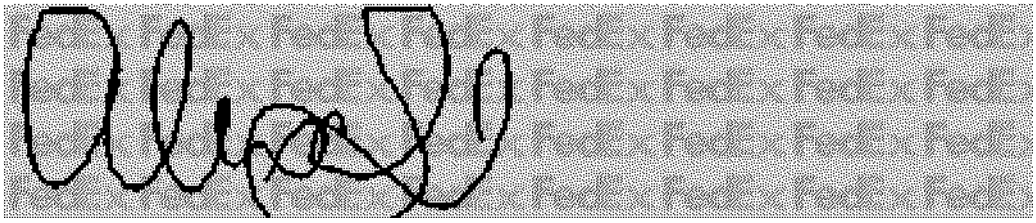
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830979007**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | S.ALEXA | **Delivery location:** | C O CORPORATE CREATIONS NETWOR<br>WILMINGTON, DE 19810 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 10:44 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830979007 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
CEPHALON, INC.
C/O CORPORATE CREATIONS NETWORK INC
3411 SILVERSIDE ROAD
WILMINGTON, DE 19810 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607741

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D6 FX | 34607742 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT ★ CUYAHOGA COUNTY OHIO ★

**DATE SENT**
Feb 21, 2018

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

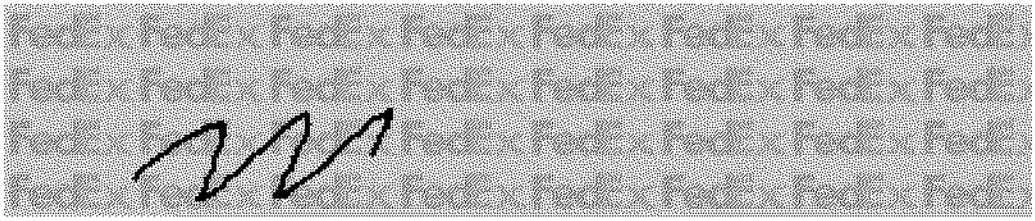
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830979912**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Shipping/Receiving |
| **Signed for by:** | M.MARTIN RIZZI | **Delivery location:** | 1 JOHNSON AND JOHNSON PLZ<br>NEW BRUNSWICK, NJ 08933 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 09:05 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830979912 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607742

Thank you for choosing FedEx.

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D7 FX | 34607743 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — **PLAINTIFF**

**VS**

PURDUE PHARMA, L.P., ET AL — **DEFENDANT**

# SUMMONS

JANSSEN PHARMACEUTICALS, INC.
116 PINE STREET
SUITE 320
HARRISBURG PA 17101

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

By_____
Deputy

| DATE SENT |
|---|
| Feb 21, 2018 |

COMPLAINT FILED 02/21/2018

CMSN130

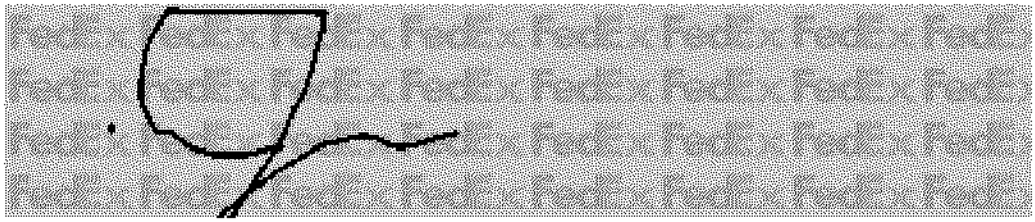
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830979831**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | J.MARKS | **Delivery location:** | 600 N 2ND STREET401<br>HARRISBURG, PA 17101 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 09:49 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830979831 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 2.0 lbs/0.9 kg |

**Recipient:**
JANSSEN PHARMACEUTICALS, INC.
116 PINE STREET
SUITE 320
HARRISBURG, PA 17101 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607743

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113



| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D8 FX | 34607744 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. **PLAINTIFF**

**VS**

PURDUE PHARMA, L.P., ET AL **DEFENDANT**

# SUMMONS

ORTHO-MCNEIL-JANSSEN
PHARMACEUTICALS, INC.
NKA JANSSEN PHARMACEUTICALS, INC.
116 PINE STREET, SUITE 320
HARRISBURG PA 17101

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

| DATE SENT |
|---|
| Feb 21, 2018 |

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

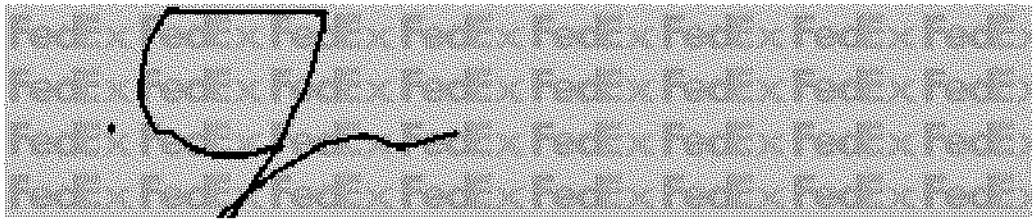
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830980710**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | J.MARKS | **Delivery location:** | 600 N 2ND STREET401<br>HARRISBURG, PA 17101 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 09:49 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830980710 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
ORTHO-MCNEIL-JANSSEN PHARMACEUTICAL
NKA JANSSEN PHARMACEUTICALS, INC.
116 PINE STREET, SUITE 320
HARRISBURG, PA 17101 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607744

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113



| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D9 FX | 34607745 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

ENDO PHARMACEUTICALS, INC.
C/O CORPORATION TRUST CO.
1209 ORANGE STREET
WILMINGTON DE 19801

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

DATE SENT
Feb 21, 2018

By _____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

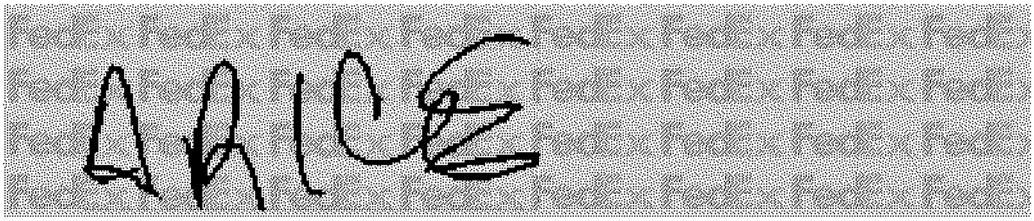
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830981408**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | A.RICE | **Delivery location:** | 1209 N ORANGE ST<br>WILMINGTON, DE 19801 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 09:34 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830981408 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
ENDO PHARMACEUTICALS, INC.
C/O CORPORATION TRUST CO.
1209 ORANGE STREET
WILMINGTON, DE 19801 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607745

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D10 FX | 34607746 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

ALLERGAN PLC
FKA ACTAVIS PLC
CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY, SUITE 125

COLUMBUS OH 43215

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plaintiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT CUYAHOGA COUNTY OHIO

**DATE SENT**
Feb 21, 2018

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

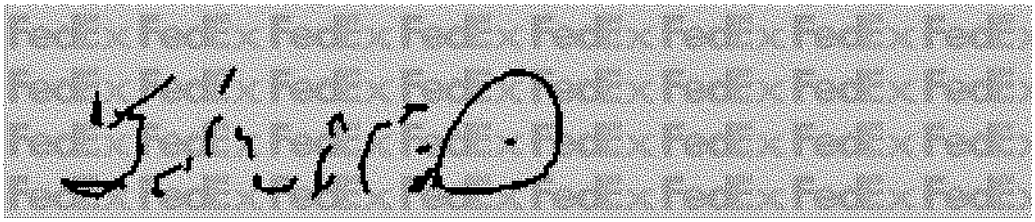
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830982117**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | S.SULLENBERGER | **Delivery location:** | 4400 EASTON CMNS 125<br>COLUMBUS, OH 43215 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 11:03 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830982117 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
ALLERGAN PLC
FKA ACTAVIS PLC
CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY, SUITE 125
COLUMBUS, OH 43215 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607746

Thank you for choosing FedEx.

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D11 FX | 34607747 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

ACTAVIS, INC.
FKA WATSON PHARMACEUTICALS, INC.
CORPORATE CREATIONS NETWORK, INC.
119 E. COURT STREET

CINCINNATI OH 45202

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plaintiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT ★ CUYAHOGA COUNTY OHIO ★

| DATE SENT |
|---|
| Feb 21, 2018 |

By _____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

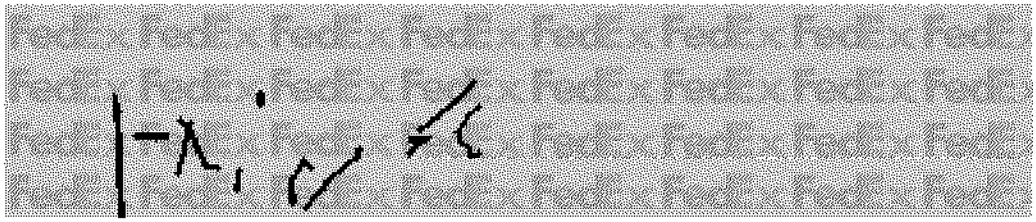
February 27,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830982621**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | B.KALUTI | **Delivery location:** | 119 COURT ST<br>CINCINNATI, OH 45202 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 26, 2018 13:28 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830982621 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 2.0 lbs/0.9 kg |

**Recipient:**
ACTAVIS, INC.
FKA WATSON PHARMACEUTICALS, INC.
CORPORATE CREATIONS NETWORK, INC.
119 E. COURT STREET
CINCINNATI, OH 45202 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607747

Thank you for choosing FedEx.

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D12 FX | 34607748 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

WATSON LABORATORIES, INC.
CORPORATION CREATIONS NETWORK, INC.
119 E. COURT STREET
CINCINNATI OH 45202

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT ★ CUYAHOGA COUNTY OHIO ★

**DATE SENT**
Feb 21, 2018

By _____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

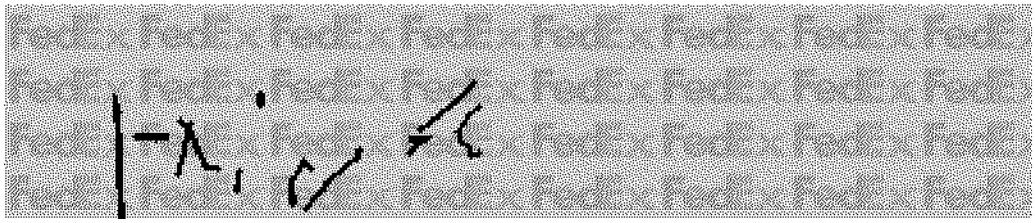
February 27,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830982790**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | B.KALUTI | **Delivery location:** | 119 COURT ST<br>CINCINNATI, OH 45202 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 26, 2018 13:28 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830982790 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 2.0 lbs/0.9 kg |

**Recipient:**
WATSON LABORATORIES, INC.
CORPORATION CREATIONS NETWORK, INC.
119 E. COURT STREET
CINCINNATI, OH 45202 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607748

Thank you for choosing FedEx.

**SUMMONS IN A CIVIL ACTION** **COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER**
**CLEVELAND, OHIO 44113**

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D13 FX | 34607749 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — **PLAINTIFF**

**VS**

PURDUE PHARMA, L.P., ET AL — **DEFENDANT**

# SUMMONS

ACTAVIS, LLC.
CORPORATE CREATIONS NETWORK, INC.
119 E. COURT STREET
CINCINNATI OH 45202

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

| DATE SENT |
|---|
| Feb 21, 2018 |

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

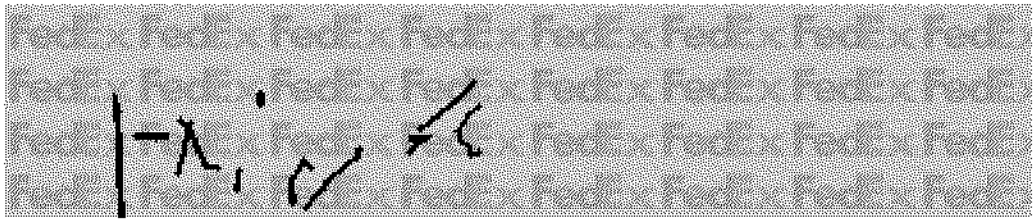
February 27,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830983400**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | B.KALUTI | **Delivery location:** | 119 COURT ST<br>CINCINNATI, OH 45202 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 26, 2018 13:28 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830983400 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 2.0 lbs/0.9 kg |

**Recipient:**
ACTAVIS, LLC.
CORPORATE CREATIONS NETWORK, INC.
119 E. COURT STREET
CINCINNATI, OH 45202 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607749

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113



| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D14 FX | 34607750 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. **PLAINTIFF**

**VS**

PURDUE PHARMA, L.P., ET AL **DEFENDANT**

# SUMMONS

ACTAVIS PHARMA, INC.
FKA WATSON PHARMA, INC.
CORPORATE CREATIONS NETWORK, INC
119 E. COURT STREET

CINCINNATI OH 45202

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

| DATE SENT |
|---|
| Feb 21, 2018 |

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

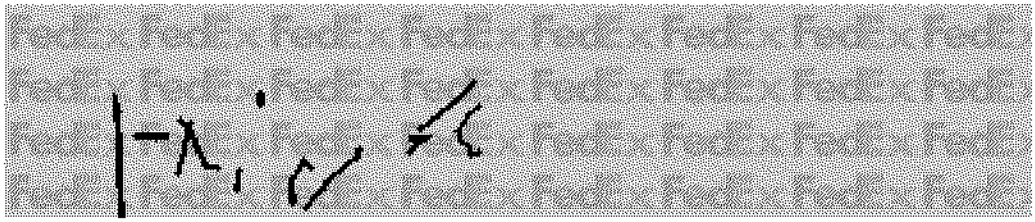
February 27,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830984094**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | B.KALUTI | **Delivery location:** | 119 COURT ST<br>CINCINNATI, OH 45202 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 26, 2018 13:28 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830984094 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 2.0 lbs/0.9 kg |

**Recipient:**
ACTAVIS PHARMA, INC.
FKA WATSON PHARMA, INC.
CORPORATE CREATIONS NETWORK, INC
119 E. COURT STREET
CINCINNATI, OH 45202 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607750

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D15 FX | 34607751 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

ENDO HEALTH SOLUTIONS, INC.
C/O CORPORATION TRUST CO.
1209 ORANGE STREET
WILMINGTON DE 19801

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT ★ CUYAHOGA COUNTY OHIO ★

**DATE SENT**
Feb 21, 2018

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

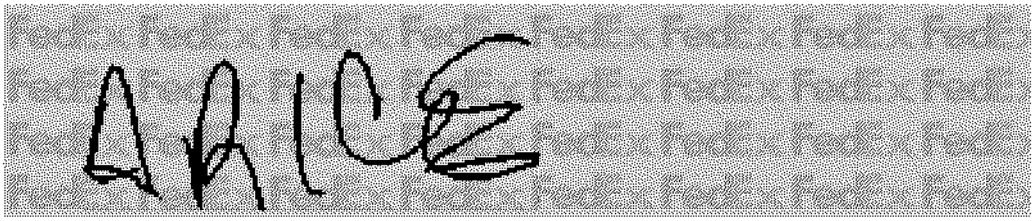
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830984657**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | A.RICE | **Delivery location:** | 1209 N ORANGE ST<br>WILMINGTON, DE 19801 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 09:34 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830984657 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 2.0 lbs/0.9 kg |

**Recipient:**
ENDO HEALTH SOLUTIONS, INC.
C/O CORPORATION TRUST CO.
1209 ORANGE STREET
WILMINGTON, DE 19801 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607751

Thank you for choosing FedEx.

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D16 FX | 34607752 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

INSYS THERAPEUTICS, INC.
1333 S. SPECTRUM BLVD., #100
CHANDLER AZ 85286

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plaintiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT ★ CUYAHOGA COUNTY OHIO ★

| DATE SENT |
|---|
| Feb 21, 2018 |

By _____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

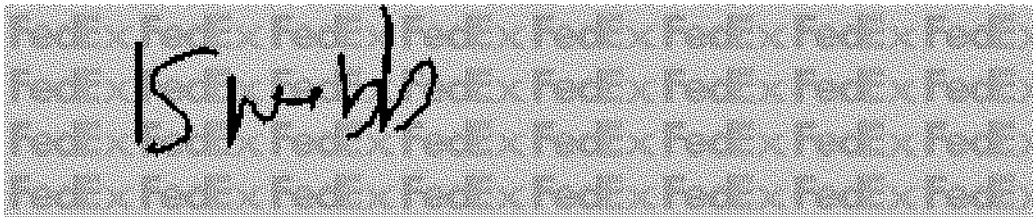
February 27,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830984922**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | L.WEBB | **Delivery location:** | 1333 S SPECTRUM BLVD 100<br>CHANDLER, AZ 85286 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 26, 2018 09:26 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830984922 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 2.0 lbs/0.9 kg |

**Recipient:**
INSYS THERAPEUTICS, INC.
1333 S. SPECTRUM BLVD., #100
CHANDLER, AZ 85286 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607752

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113



| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D17 FX | 34607753 |

Rule 4 (B) Ohio

Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. **PLAINTIFF**

**VS**

PURDUE PHARMA, L.P., ET AL **DEFENDANT**

# SUMMONS

MCKESSON CORPORATION
50 WEST BROAD STREET, SUITE 1330
COLUMBUS OH 43215

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

**DATE SENT**
Feb 21, 2018

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

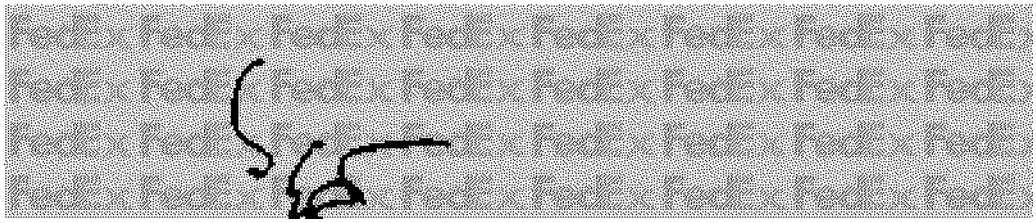
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830985013**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | D.SCHAUSIL | **Delivery location:** | 50 W BROAD ST 1330<br>COLUMBUS, OH 43215 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 11:29 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830985013 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
MCKESSON CORPORATION
50 WEST BROAD STREET, SUITE 1330
COLUMBUS, OH 43215 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607753

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113



| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D18 FX | 34607754 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. **PLAINTIFF**

**VS**

PURDUE PHARMA, L.P., ET AL **DEFENDANT**

# SUMMONS

CARDINAL HEALTH, INC.
7000 CARDINAL PLACE
DUBLIN OH 43017

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

| DATE SENT |
|---|
| Feb 21, 2018 |

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

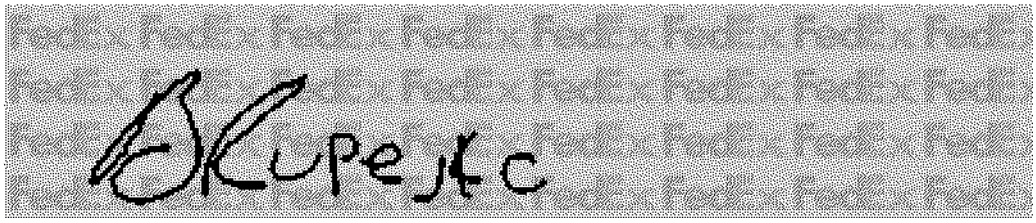
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830985528**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Shipping/Receiving |
| **Signed for by:** | B.RAPEJKO | **Delivery location:** | 7000 CARDINAL PL<br>DUBLIN, OH 43017 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 08:59 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830985528 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
CARDINAL HEALTH, INC.
7000 CARDINAL PLACE
DUBLIN, OH 43017 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607754

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113



| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D19 FX | 34607755 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. **PLAINTIFF**

**VS**

PURDUE PHARMA, L.P., ET AL **DEFENDANT**

# SUMMONS

AMERISOURCEBERGEN CORPORATION
C/O THE CORPORATION TRUST CO STAT AGENT
CORPORATION TRUST CENTER
1209 ORANGE STREET
WILMINGTON DE 19801

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

| DATE SENT |
|---|
| Feb 21, 2018 |

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

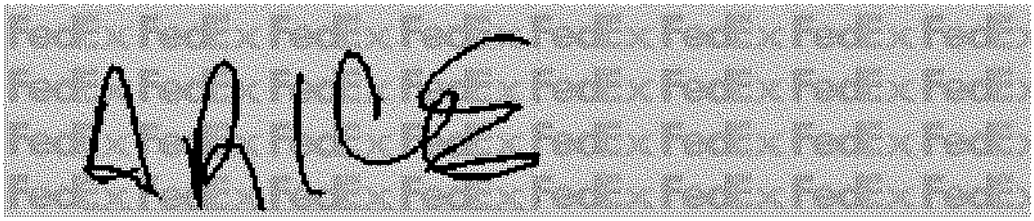
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830986605**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | A.RICE | **Delivery location:** | 1209 N ORANGE ST<br>WILMINGTON, DE 19801 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 09:34 |
| **Special Handling:** | Deliver Weekday<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830986605 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

**Recipient:**
AMERISOURCEBERGEN CORPORATION
C/O THE CORPORATION TRUST CO STAT A
CORPORATION TRUST CENTER
1209 ORANGE STREET
WILMINGTON, DE 19801 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607755

Thank you for choosing FedEx.

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D20 FX | 34607756 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

RUSSELL PORTENOY
39 BROADWAY, 1ST FLOOR
NEW YORK NY 10006

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plaintiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT CUYAHOGA COUNTY OHIO

| DATE SENT |
|---|
| Feb 21, 2018 |

By _____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

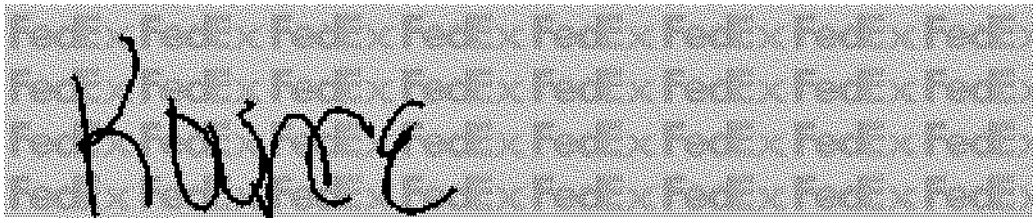
February 27,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830986822**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | K.KOONCE | **Delivery location:** | 39 BWAY 2<br>NEW YORK, NY 10006 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 26, 2018 11:59 |
| **Special Handling:** | Deliver Weekday<br>Residential Delivery<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830986822 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 2.0 lbs/0.9 kg |

**Recipient:**
RUSSELL PORTENOY
39 BROADWAY, 1ST FLOOR
NEW YORK, NY 10006 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607756

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113



| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D21 FX | 34607757 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

PERRY FINE
615 ARAPEEN WAY, SUITE 155
SALT LAKE COUNTY UT 84132

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plaintiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT ★ CUYAHOGA COUNTY OHIO ★

**DATE SENT**
Feb 21, 2018

By_____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

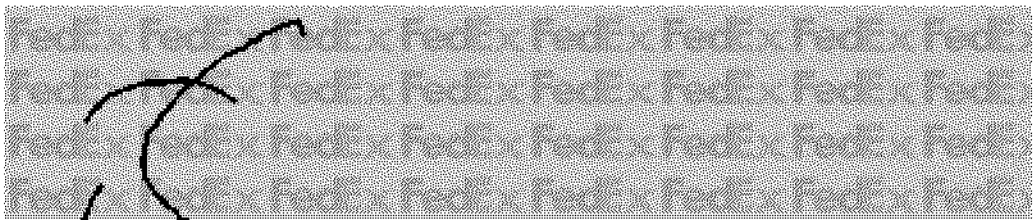
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830987303**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | O.ORZA | **Delivery location:** | 615 ARAPEEN WAY<br>SUITE 100<br>SALT LAKE COUNTY, UT<br>84132 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 13:49 |
| **Special Handling:** | Deliver Weekday<br>Residential Delivery<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830987303 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 2.0 lbs/0.9 kg |

**Recipient:**
PERRY FINE
615 ARAPEEN WAY, SUITE 155
SALT LAKE COUNTY, UT 84132 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607757

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113



| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D22 FX | 34607758 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. — PLAINTIFF

VS

PURDUE PHARMA, L.P., ET AL — DEFENDANT

# SUMMONS

SCOTT FISHMAN
2221 STOCKTON BLVD.
SACRAMENTO CA 95817

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plantiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

COMMON PLEAS COURT ★ CUYAHOGA COUNTY OHIO ★

| DATE SENT |
|---|
| Feb 21, 2018 |

By _____
Deputy

COMPLAINT FILED 02/21/2018

CMSN130

FedEx

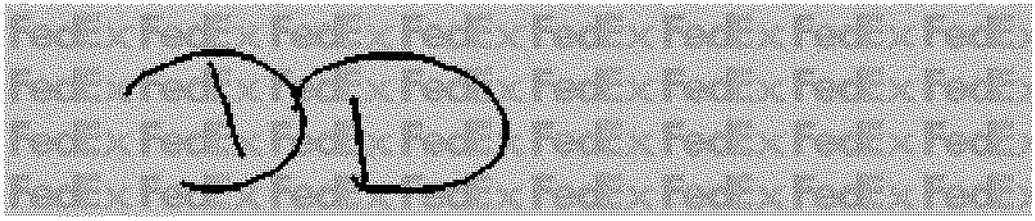
February 28,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830987510**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Shipping/Receiving |
| **Signed for by:** | D.DECCICO | **Delivery location:** | 7301 14TH AVE<br>SACRAMENTO, CA 95817 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 10:28 |
| **Special Handling:** | Deliver Weekday<br>Residential Delivery<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830987510 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 1.0 lbs/0.5 kg |

| | |
|---|---|
| **Recipient:** | **Shipper:** |
| SCOTT FISHMAN | CCoC |
| 2221 STOCKTON BLVD. | 1200 Ontario |
| SACRAMENTO, CA 95817 US | Cleveland, OH 44113 US |
| **Reference** | CV18893314 |
| **Invoice number** | 34607758 |

Thank you for choosing FedEx.

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113

| CASE NO. | | SUMMONS NO. |
|---|---|---|
| CV18893314 | D23 FX | 34607759 |

Rule 4 (B) Ohio Rules of Civil Procedure

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC. **PLAINTIFF**

**VS**

PURDUE PHARMA, L.P., ET AL **DEFENDANT**

# SUMMONS

LYNN WEBSTER
PRA HEALTH SCIENCES
3838 S 700 E #202
SALT LAKE COUNTY UT 84106

**You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.**

**You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.**

**Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)**

**Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.**

**If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.**

**Said answer is required to be served on:**

**Plaintiff's Attorney**

BRYAN M FRINK
30665 NORTHWESTERN HWY STE 175

FARMINGTON HILLS, MI 48334-0000

**Case has been assigned to Judge:**

MICHAEL J RUSSO
**Do not contact judge. Judge's name is given for attorney's reference only.**

NAILAH K. BYRD
Clerk of the Court of Common Pleas

**DATE SENT**
Feb 21, 2018

**By**_____
**Deputy**

COMPLAINT FILED 02/21/2018

CMSN130

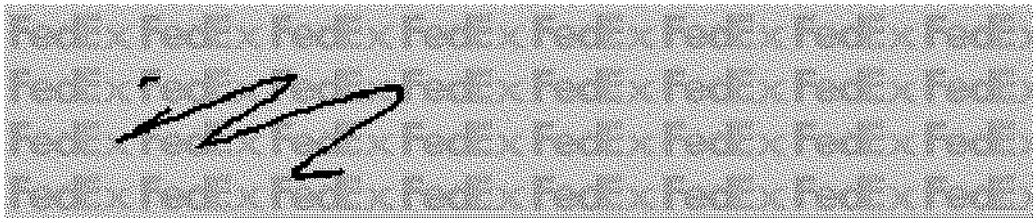
March 1,2018

Dear Customer:

The following is the proof-of-delivery for tracking number **789830988940**.

## Delivery Information:

| | | | |
|---|---|---|---|
| **Status:** | Delivered | **Delivered to:** | Receptionist/Front Desk |
| **Signed for by:** | M.GOODWIN | **Delivery location:** | 1255 E 3900 S<br>SALT LAKE COUNTY, UT 84106 |
| **Service type:** | FedEx Express Saver | **Delivery date:** | Feb 27, 2018 15:07 |
| **Special Handling:** | Deliver Weekday<br>Residential Delivery<br>Direct Signature Required | | |



## Shipping Information:

| | | | |
|---|---|---|---|
| **Tracking number:** | 789830988940 | **Ship date:** | Feb 22, 2018 |
| | | **Weight:** | 2.0 lbs/0.9 kg |

**Recipient:**
LYNN WEBSTER
PRA HEALTH SCIENCES
3838 S 700 E #202
SALT LAKE COUNTY, UT 84106 US

**Shipper:**
CCoC
1200 Ontario
Cleveland, OH 44113 US

**Reference** CV18893314
**Invoice number** 34607759

Thank you for choosing FedEx.

**NAILAH K. BYRD**
**CUYAHOGA COUNTY CLERK OF COURTS**
**1200 Ontario Street**
**Cleveland, Ohio 44113**

## Court of Common Pleas

**NOTICE OF SUBSTITUTION OF COUNSEL**
**February 22, 2018 14:03**

By: FRANK L. GALLUCCI 0072680

Confirmation Nbr. 1309272

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.

CV 18 893314

vs.

**Judge:** MICHAEL J. RUSSO

PURDUE PHARMA, L.P., ET AL

**Pages Filed:** 1

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

| | | |
|---|---|---|
| MINUTE MEN, INC., ETC. | ) | CASE NO. CV18-893314 |
| | ) | |
| Plaintiff | ) | JUDGE MICHAEL RUSSO |
| | ) | |
| -vs- | ) | |
| | ) | **NOTICE OF SUBSTITUTION** |
| PURDUE PHARMA, L.P., et al | ) | **OF CO-COUNSEL FOR PLAINTIFF** |
| | ) | |
| Defendants | ) | |

Notice is hereby given that effective immediately, the following counsel will be substituted as co-counsel for Plaintiff, Minute Men, Inc., Minute Men Select, in place of Bryan Frink, Esq., Supreme Court Number 0073449. The wrong Supreme Court Registration Number was listed on the Complaint. The correct counsel is listed below:

James Marniella, Esq.
S.Ct. No. 0073499
Demer & Marniella, LLC.
2 Berea Commons, Suite 200
Berea, Ohio 44012
440-891-1644
440-891-1684 - fax
Jamarniella@demerlaw.com

Please forward all future correspondence, notices and pleadings to the undersigned and all counsel for the Plaintiff, Minute Men, Inc., Minute Men Select, Inc.

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## Court of Common Pleas

**NOTICE OF APPEARANCE**
**February 28, 2018 12:35**

By: TYLER G. TARNEY 0089082

Confirmation Nbr. 1313743

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.

CV 18 893314

vs.

**Judge:** MICHAEL J. RUSSO

PURDUE PHARMA, L.P., ET AL

**Pages Filed:** 5

**IN THE COMMON PLEAS COURT**
**CUYAHOGA COUNTY, OHIO**

| | | |
|---|---|---|
| Minute Men, Inc. and Minute Men Select, Inc., | ) | |
| Plaintiff, | ) | Case No. CV 18 893314 |
| vs. | ) | Judge Michael J. Russo |
| Purdue Pharma L.P., *et al.* | ) | |
| Defendants. | ) | |

**NOTICE OF APPEARANCE**

Now come Attorneys Tyler Tarney, Gregory Brunton, Daniel Hyzak and Carrie Thiem of the law firm Gordon & Rees LLP, and hereby give notice to this Court and to all parties that they enter their appearance as counsel of record for Defendants Perry Fine, Scott Fishman and Lynn Webster. Please direct copies of all future pleadings, correspondence, and papers to all of undersigned counsel.

Respectfully submitted,

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I hereby certify that the foregoing was filed with the Court on the 28th day February 2018, and served via electronic mail or U.S. regular mail, postage prepaid, upon the following:

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## Court of Common Pleas

**NOTICE OF APPEARANCE**
**March 2, 2018 11:39**

By: VINCENT I. HOLZHALL 0074901

Confirmation Nbr. 1316126

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.

CV 18 893314

vs.

**Judge:** MICHAEL J. RUSSO

PURDUE PHARMA, L.P., ET AL

**Pages Filed:** 3

**IN THE COURT OF COMMON PLEAS**
**CUYAHOGA COUNTY, OHIO**

| | | |
|---|---|---|
| MINUTE MEN, INC. and MINUTE MEN SELECT, INC., | : | |
| | : | CASE NO. CV 18 893314 |
| Plaintiff, | : | |
| | : | JUDGE MICHAEL J. RUSSO |
| vs. | : | |
| PURDUE PHARMA L.P., *et al,* | : | |
| Defendants. | : | |

**NOTICE OF APPEARANCE OF**
**VINCENT I. HOLZHALL AND ALANA VALLE TANOURY**

The Court and parties hereto will take notice that Vincent I. Holzhall and Alana Valle Tanoury of Steptoe & Johnson PLLC, 41 South High Street, Suite 2200, Columbus, Ohio 43215, telephone (614) 221-5100, hereby enter their appearance as counsel of record for Defendant McKesson Corporation ("McKesson"). It is respectfully requested that service of all further pleadings, notices, filings, papers, etc. be made upon the undersigned as counsel of record for McKesson.

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I hereby certify a copy of the foregoing ***Notice of Appearance of Vincent I. Holzhall and Alana Valle Tanoury*** was served by regular U.S. mail this 2nd day of March, 2018, upon the following:

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*/s/ Vincent I. Holzhall*
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**Motion No.** 4667515

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## Court of Common Pleas

**MOTION FOR EXTENSION OF TIME**
**March 7, 2018 11:41**

By: TYLER G. TARNEY 0089082

Confirmation Nbr. 1320140

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.

CV 18 893314

vs.

**Judge:** MICHAEL J. RUSSO

PURDUE PHARMA, L.P., ET AL

**Pages Filed:** 5

**IN THE COURT OF COMMON PLEAS**
**CUYAHOGA COUNTY, OHIO**

| | | |
|---|---|---|
| Minute Men, Inc. and Minute Men Select, Inc., | ) | Case No. CV 18 893314 |
| Plaintiff, | ) | Judge Michael J. Russo |
| vs. | ) | |
| Purdue Pharma L.P., *et al.* | ) | |
| Defendants. | ) | |

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR DEFENDANTS PERRY FINE, M.D., SCOTT FISHMAN, M.D., AND LYNN WEBSTER, M.D. TO RESPOND TO PLAINTIFFS' COMPLAINT**

Defendants Perry Fine, M.D., Scott Fishman, M.D., and Lynn Webster, M.D. ("Defendants"), jointly and with the consent of Plaintiffs Minute Men, Inc. and Minute Men Select, Inc. ("Plaintiffs"), hereby request an extension of time to answer, move or otherwise respond to Plaintiff's Complaint up to and including May 26, 2018.

Defendants are working diligently to compile the necessary information to properly respond to Plaintiff's allegations. The Parties conferred about this Motion and, given the length and complexity of the Complaint, Plaintiffs' counsel authorized Defendants to advise the Court that Plaintiffs do not oppose Defendants' request for this extension of time.

Wherefore, Defendants hereby respectfully request that this Court grant their motion for an extension of time through and including May 26, 2018 to answer, move, or otherwise respond to Plaintiffs' Complaint.

Respectfully submitted,

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Electronically Filed 03/07/2018 11:41 / MOTION / CV 18 893314 / Confirmation Nbr. 1320140 / CLDLJ

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served this 7th day of March 2018, via electronic mail and/or regular U.S. mail, postage prepaid, upon the following:

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| Daniel J. Hyzak | (0091298) |
| Carrie E. Thiem | (0093657) |



Electronically Filed 03/07/2018 11:41 / MOTION / CV 18 893314 / Confirmation Nbr. 1320140 / CLDLJ

**Motion No.** 4668351

**NAILAH K. BYRD**
**CUYAHOGA COUNTY CLERK OF COURTS**
**1200 Ontario Street**
**Cleveland, Ohio 44113**

## Court of Common Pleas

**MOTION FOR EXTENSION OF TIME**
**March 9, 2018 15:57**

By: TERA N. COLEMAN 0090544

Confirmation Nbr. 1323192

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.

CV 18 893314

vs.

**Judge:** MICHAEL J. RUSSO

PURDUE PHARMA, L.P., ET AL

**Pages Filed:** 3

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

| | | |
|---|---|---|
| MINUTE MEN INC. *et al.*, | ) | CASE NO. CV-18-893314 |
| Plaintiffs, | ) | JUDGE MICHAEL J. RUSSO |
| v. | ) | |
| PURDUE PHARMA L.P., *et al.*, | ) | **CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT** |
| Defendants. | ) | |

Defendants Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company Inc., Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc., Endo Pharmaceuticals Inc., Allergan plc f/k/a Actavis plc, Allergan Finance, LLC f/k/a Actavis, Inc.,[1] Watson Laboratories, Inc., Actavis LLC., Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., Endo Health Solutions Inc., and Insys Therapeutics, Inc. (collectively, the "Manufacturer Defendants"), jointly and with the consent of Plaintiffs Minute Men, Inc. and Minute Men Select, Inc., hereby request an extension of time to answer, move, or otherwise respond to Plaintiffs' Complaint up to and including May 28, 2018. Undersigned counsel for Defendants Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. have been authorized to seek this extension on behalf of all of the Manufacturer Defendants.

The Manufacturer Defendants are working diligently to compile the necessary information to properly respond to Plaintiff's allegations. The Parties conferred about this motion, and given the length and complexity of the Complaint, Plaintiff's counsel authorized defense counsel to

[1] Allergan plc, an Irish company, and Allergan Finance, LLC dispute that they were properly served. They join this motion out of an abundance of caution but expressly reserve all defenses related to personal jurisdiction and service of process.

advise the Court that Plaintiffs consent to the Manufacturer Defendants' joint request for this extension of time. No prior extension of time has been sought or obtained by the Manufacturer Defendants.

Wherefore, the Manufacturer Defendants respectfully request that the Court grant their motion and grant them an extension of time through and including May 28, 2018, to answer, move, or otherwise respond to the Complaint. An Agreed Order and Entry providing this extension is attached hereto.

Dated: March 9, 2018

Respectfully submitted,

*/s/ Tera N. Coleman*

Carole S. Rendon (0070345)
Tera N. Coleman (0090544)
BAKER & HOSTETLER LLP
Key Tower
127 Public Square, Suite 2000
Cleveland, OH 44114-1214
Telephone: 216.621.0200
Facsimile: 216.696.0740
crendon@bakerlaw.com
tcoleman@bakerlaw.com

*Attorneys for Defendants Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. and on behalf of all of the Manufacturer Defendants for purposes of this Motion*

AGREED TO BY:

*/s/Salvatore Badala, per telephone consent on 03/08/2018*

Salvatore C. Badala
NAPOLI SHKOLNIK, PLLC
400 Broadhollow Road – Suite 350
Melville, New York 11747

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Consent Motion for Extension of Time to Respond to Complaint* was served by regular U.S. Mail on March 9, 2018 upon the following:

**Frank Gallucci**
PLEVIN, & GALLUCCI COMPANY, L.P.A
55 Public Square
Suite 2222
Cleveland, Ohio 44113

**Paul J. Napoli**
**Joseph L. Ciaccio**
**Salvatore C. Badala**
NAPOLI SHKOLNIK, PLLC
400 Broadhollow Road – Suite 350
Melville, New York 11747

**James A. Marniella**
DEMER & MARNIELLA, LLC
2 Berea Commons, Suite 200
Berea, OH 44017

*Attorneys for Plaintiffs*

**O. Judson Scheaf III**
**Jordan D. Rauch**
HAHN LOWESER & PARKS LLP
65 East State Street, Suite 1400
Columbus, Ohio 43215

*Attorneys for Defendant Russell Portenoy*

**Tyler Tarney**
**Gregory D. Brunton**
**Daniel J. Hyzak**
**Carrie E. Thiem**
GORDON & REES LLP
41 South High Street, Suite 2495
Columbus, OH 43215

*Attorneys for Defendants Perry Fine, Scott Fishman and Lynn Webster*

**Vincent I. Holzhall**
**Alana Valle Tanoury**
STEPTOE & JOHNSON PLLC
41 S. High Street, Suite 2200
Columbus, OH 43215

*Attorneys for Defendant McKesson Corporation*

**Joseph F. Murray**
MURRAY MURPHY MOUL & BASIL LLP
1114 Dublin Road
Columbus, OH 43215

*Attorneys for Defendant Cardinal Health, Inc.*

**Amerisourcebergen Corporation**
c/o The Corporation Trust Company, Statutory Agent
Corporation Trust Center, 1209 Orange Street
Wilmington, DE 19801

**Miami-Luken, Inc.**
265 Pioneer Blvd.
Springboro, OH 45066

*/s/ Tera N. Coleman*
Tera N. Coleman (0090544)
*One of the Attorneys for Defendants Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. and on behalf of all of the Manufacturer Defendants for purposes of this Motion*

**Motion No.** 4668577

**NAILAH K. BYRD**
**CUYAHOGA COUNTY CLERK OF COURTS**
**1200 Ontario Street**
**Cleveland, Ohio 44113**

## Court of Common Pleas

**MOTION FOR EXTENSION OF TIME**
**March 12, 2018 11:02**

By: VINCENT I. HOLZHALL 0074901

Confirmation Nbr. 1323802

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.

CV 18 893314

vs.

**Judge:** MICHAEL J. RUSSO

PURDUE PHARMA, L.P., ET AL

**Pages Filed:** 5

**IN THE COURT OF COMMON PLEAS**
**CUYAHOGA COUNTY, OHIO**

| | | |
|---|---|---|
| MINUTE MEN, INC. and MINUTE MEN SELECT, INC., | : | |
| | : | CASE NO. CV 18 893314 |
| Plaintiff, | : | |
| | : | JUDGE MICHAEL J. RUSSO |
| vs. | : | |
| PURDUE PHARMA L.P., *et al,* | : | |
| Defendants. | : | |

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR DEFENDANTS MCKESSON CORPORATION, CARDINAL HEALTH, INC., AND AMERISOURCEBERGEN CORPORATION TO RESPOND TO PLAINTIFFS' COMPLAINT**

Defendants McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation[1] ("Distributor Defendants"), jointly and with the consent of Plaintiffs Minute Men, Inc. and Minute Men Select, Inc. ("Plaintiffs"), hereby request an extension of time to answer, move, or otherwise respond to Plaintiffs' Complaint up to and including May 26, 2018. Distributor Defendants responses to the Complaint would otherwise be due on March 27, 2018.

Distributor Defendants are working diligently to compile the necessary information to properly respond to Plaintiffs' allegations. The Parties conferred about this Motion and, given the length and complexity of the Complaint, Plaintiffs' counsel authorized Distributor Defendants to advise the Court that Plaintiffs do no oppose Distributor Defendants' request for this extension of time. No prior extension of time has been granted to the Distributor Defendants.

[1] By filing this Unopposed Motion, AmerisourceBergen Corporation does not concede that it is a proper party to this action, and it is not.

Wherefore, Distributor Defendants hereby respectfully request that this Court grant their motion for an extension of time through and including May 26, 2018 to answer, move, or otherwise respond to Plaintiffs' Complaint.

Dated: March 12, 2018

Respectfully submitted,

/s/ *Vincent I. Holzhall*

Vincent I. Holzhall (0074901)
Alana Valle Tanoury (0092265)
**STEPTOE & JOHNSON PLLC**
41 South High Street, Suite 2200
Columbus, Ohio 43215
(614) 221-5100 phone; (614) 221-0952 fax
vince.holzhall@steptoe-johnson.com
alana.tanoury@steptoe-johnson.com
*Counsel for Defendant McKesson Corporation*

/s/ *Joseph F. Murray*
-per email authorization of 3/8/18

Joseph F. Murray (0063373)
**MURRAY MURPHY MOUL + BASIL LLP**
1114 Dublin Road
Columbus, Ohio 43215
(614) 488-0400 phone; (614) 488-0401 fax
murray@mmmb.com
*Counsel for Cardinal Health, Inc.*


Electronically Filed 03/12/2018 11:02 / MOTION / CV 18 893314 / Confirmation Nbr. 1323802 / CLCCB

/s/ *Sandra K. Zerrusen*
-per email authorization of 3/9/18

Mark W. Bernlohr (0038640)
Sandra K. Zerrusen (0070883)
Aaron E. McQueen (0068753)
Andrew N. Schock (0087998)
**JACKSON KELLY PLLC**
50 S. Main Street, Suite 201
Akron, Ohio 44308
(330) 252-9060 phone; (330) 252-9078 fax
mwbernlohr@jacksonkelly.com
skzerrusen@jacksonkelly.com
aaron.mcqueen@jacksonkelly.com
anschock@jacksonkelly.com
*Counsel for Defendant*
*AmerisourceBergen Drug Corporation*

AGREED TO BY:

/s/ *Salvatore C. Badala*
-per email authorization of 3/9/18

Frank Gallucci (0072680)
PLEVIN & GALLUCCI COMPANY, L.P.A
55 Public Square, Ste. 2222
Cleveland, OH 44113
FGallucci@pglawyer.com
*Counsel for Plaintiffs*

Paul J. Napoli (To be admitted *pro hac vice*)
Joseph L. Ciaccio (To be admitted *pro hac vice*)
Salvatore C. Badala (To be admitted *pro hac vice*)
**NAPOLI SHKOLNIK, PLLC**
400 Broadhollow Road, Ste. 350
Melville, NY 11747
*Counsel for Plaintiffs*


Electronically Filed 03/12/2018 11:02 / MOTION / CV 18 893314 / Confirmation Nbr. 1323802 / CLCCB

**CERTIFICATE OF SERVICE**

I hereby certify a copy of the foregoing ***Unopposed Motion for Extension to Time for Defendants McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation to Respond to Plaintiffs' Complaint*** was served by regular U.S. mail this 12th day of March, 2018, upon the following:

Frank Gallucci
Plevin & Gallucci Co., LPA
55 Public Square, Suite 2222
Cleveland, OH 44113

and

Paul J. Napoli
Joseph L. Ciaccio
Salvatore C. Badala
NAPOLISHKOLNIK,PLLC
400 Broadhollow Road Suite 350
Melville, New York 11747

and

James A. Mariella
Demer & Mariella, LLC
2 Berea Commons, Ste. 200
Berea, OH 44017
*Counsel for Plaintiffs*

Gregory D. Brunton
Tyler Tarney
Daniel J. Hyzak
Carrie E. Thiem
Gordon & Rees LLP
41 South High Street, Suite 2495
Columbus, Ohio 43215
*Attorneys for Defendants Perry Fine, Scott Fishman and Lynn Webster*

PURDUE PHARMA L.P.
c/o The Prentice Hall Corporation
2711 Centerville Road
Wilmington, DE 19808

PURDUE PHARMA INC.
c/o The Prentice Hall Corporation
2711 Centerville Road
Wilmington, DE 19808

THE PURDUE FREDERICK COMPANY, INC.
c/o The Prentice Hall Corporation
2711 Centerville Road
Wilmington, DE 19808

TEVA PHARMACEUTICALS USA, INC.
c/o Corporate Creations Network Inc.
3411 Silverside Road
Wilmington, DE 19810

JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933


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CEPHALON, INC.
c/o Corporate Creations Network Inc.
3411 Silverside Road
Wilmington, DE 19810

ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC.
N/K/A JANSSEN PHARMACEUTICALS, INC.
116 Pine Street, Suite 320
Harrisburg, PA 17101

ENDO PHARMACEUTICALS, INC.
c/o The Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

ACTAVIS, INC. F/K/A WATSON PHARMACEUTICALS, INC.
Corporate Creations Network, Inc.
119 E. Court Street
Cincinnati, Ohio 45202

ACTAVIS LLC
Corporate Creations Network Inc.
119 E. Court Street
Cincinnati, OH 45202

ENDO HEALTH SOLUTIONS INC.
c/o The Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

CARDINAL HEALTH, INC.
7000 Cardinal Place
Dublin, Ohio 43017

RUSSELL PORTENOY
39 Broadway, 1st Floor
New York, NY 10006

JANSSEN PHARMACEUTICALS, INC.
116 Pine Street, Suite 320
Harrisburg, PA 17101

JANSSEN PHARMACEUTICA, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.
116 Pine Street, Suite 320
Harrisburg, PA 17101

ALLERGAN PLC F/K/A ACTAVIS PLC
CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43215

WATSON LABORATORIES, INC.
Corporate Creations Network Inc.
119 E. Court Street
Cincinnati, OH 45202

ACTAVIS PHARMA, INC. F/K/A WATSON PHARMA, INC.
Corporate Creations Network Inc.
119 E. Court Street
Cincinnati, OH 45202

INSYS THERAPEUTICS, INC.
1333 S. Spectrum Blvd. #100
Chandler, Arizona 85286

AMERISOURCEBERGEN CORPORATION
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

/s/ *Vincent I. Holzhall*

Vincent I. Holzhall (0074901)
Alana Valle Tanoury (0092265)


Electronically Filed 03/12/2018 11:02 / MOTION / CV 18 893314 / Confirmation Nbr. 1323802 / CLCCB

**NAILAH K. BYRD**
**CUYAHOGA COUNTY CLERK OF COURTS**
**1200 Ontario Street**
**Cleveland, Ohio 44113**

## Court of Common Pleas

**NOTICE OF APPEARANCE**
**March 16, 2018 12:23**

By: SANDRA K. ZERRUSEN 0070883

Confirmation Nbr. 1328988

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.

CV 18 893314

vs.

**Judge:** MICHAEL J. RUSSO

PURDUE PHARMA, L.P., ET AL

**Pages Filed:** 3

**IN THE COURT OF COMMON PLEAS**
**CUYAHOGA COUNTY, OHIO**

| | | |
|---|---|---|
| MINUTE MEN, INC. and MINUTE MEN SELECT, INC., | ) | CASE NO. CV 18 893314 |
| | ) | |
| | ) | JUDGE JOHN P. DEWEY |
| Plaintiffs, | ) | |
| | ) | |
| vs. | ) | |
| | ) | **NOTICE OF ENTRY OF APPEARANCE** |
| PURDUE PHARMA L.P., et al., | ) | |
| | ) | |
| Defendants. | ) | |

Notice is hereby given to the Court and parties of record of the entry of appearance of Sandra K. Zerrusen, Esq., Mark W. Bernlohr, Aaron E. McQueen, and Andrew N. Schock of the law firm of Jackson Kelly PLLC, as counsel for Defendant, AmerisourceBergen Corporation[1] ("AmerisourceBergen"). It is respectfully requested that service of all further pleadings, notices, filings, papers, etc. be made upon the undersigned counsel for AmerisourceBergen.

Respectfully submitted,

/s/: Sandra K. Zerrusen
Mark W. Bernlohr (0038640)
Trial Attorney
Sandra K. Zerrusen (0070883)
Aaron E. McQueen (0068753)
Andrew N. Schock (0087998)
Jackson Kelly PLLC
50 South Main Street, Suite 201
Akron, OH 44308
Telephone: (330) 252-9060
Facsimile: (330) 252-9078
Email: mwbernlohr@jacksonkelly.com
skzerrusen@jacksonkelly.com
aaron.mcqueen@jacksonkelly.com
anschock@jacksonkelly.com
*Attorneys for Defendant*
*AmerisourceBergen Corporation*

[1] By filing this Notice of Entry of Appearance, AmerisourceBergen Corporation does not concede that it is a proper party to this action, and it is not.


Electronically Filed 03/16/2018 12:23 / NOTICE / CV 18 893314 / Confirmation Nbr. 1328988 / CLDLJ

**Certificate of Service**

I hereby certify that a true and accurate copy of the foregoing has been transmitted this 16th day of March 2018 to the following:

Frank Gallucci (0072680)
Plevin & Gallucci Company, L.P.A.
55 Public Square, Ste. 2222
Cleveland, OH 44113

and

Paul J. Napoli
Joseph L. Ciaccio
Salvatore C. Badala
Napoli Shkolnik, PLLC
400 Broadhollow Road, Ste. 350
Melville, NY 11747

and

James A. Mariella
Demer & Mariella, LLC
2 Berea Commons, Ste. 200
Berea, OH 44017
*Counsel for Plaintiffs*

Janssen Pharmaceuticals, Inc.
116 Pine Street, Suite 320
Harrisburg, PA 17101

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

Janssen Pharmaceutica, Inc.
n/k/a Janssen Pharmaceuticals, Inc.
116 Pine Street, Suite 320
Harrisburg, PA 17101

Purdue Pharma L.P.
c/o The Prentice Hall Corporation
2711 Centerville Road
Wilmington, DE 19808

The Purdue Frederick Company, Inc.
c/o The Prentice Hall Corporation
2711 Centerville Road
Wilmington, DE 19808

Purdue Pharma Inc.
c/o The Prentice Hall Corporation
2711 Centerville Road
Wilmington, DE 19808

Teva Pharmaceuticals USA, Inc.
c/o Corporate Creations Network Inc.
3411 Silverside Road
Wilmington, DE 19180

Cephalon, Inc.
c/o Corporate Creations Network Inc.
3411 Silverside Road
Wilmington, DE 19180

Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.
116 Pine Street, Suite 320
Harrisburg, PA 17101


Electronically Filed 03/16/2018 12:23 / NOTICE / CV 18 893314 / Confirmation Nbr. 1328988 / CLDLJ

Allergan PLC F/K/A Actavis PLC
CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43215

Endo Pharmaceuticals, Inc.
c/o The Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Watson Laboratories, Inc.
Corporate Creations Network Inc.
119 E. Court Street
Cincinnati, OH 45202

Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.
Corporate Creations Network, Inc.
119 E. Court Street
Cincinnati, Ohio 45202

Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.
Corporate Creations Network Inc.
119 E. Court Street
Cincinnati, OH 45202

Actavis LLC
Corporate Creations Network Inc.
119 E. Court Street
Cincinnati, OH 45202

Insys Terapeutics, Inc.
1333 S. Spectrum Blvd. #100
Chandler, AZ 85286

Endo Health Solutions Inc.
c/o The Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Joseph F. Murray
1114 Dublin Road
Columbus, OH 43215
*Counsel for Cardinal Health, Inc.*

Vincent Holzhall
Alana Tanoury
41 S. High Street, Ste. 2200
Columbus, OH 43215
*Counsel for McKesson Corporation*

Tyler Tarney
41 S. High Street, Ste. 2495
Columbus, OH 43215
*Counsel for Perry Fine, Scott Fishman and Lynn Webster*

Russell Portenoy
39 Broadway, 1st Floor
New York, NY 10006

/s/: Sandra K. Zerrusen
Sandra K. Zerrusen (0070883)


Electronically Filed 03/16/2018 12:23 / NOTICE / CV 18 893314 / Confirmation Nbr. 1328988 / CLDLJ

103032009

# IN THE COURT OF COMMON PLEAS
# CUYAHOGA COUNTY, OHIO

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.
Plaintiff

PURDUE PHARMA, L.P., ET AL
Defendant

Case No: CV-18-893314

Judge: MICHAEL J RUSSO

## JOURNAL ENTRY

UNOPPOSED MOTION FOR EXTENSION TO TIME FOR DEFENDANTS MCKESSON CORPORATION, CARDINAL HEALTH, INC., AND AMERISOURCEBERGEN CORPORATION TO RESPOND TO PLAINTIFFS COMPLAINT, FILED 03/12/2018, IS GRANTED.

CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT, FILED 03/09/2018, IS GRANTED.

UNOPPOSED MOTION FOR EXTENSION OF TIME FOR DEFENDANTS PERRY FINE, M.D., SCOTT FISHMAN, M.D. AND LYNN WEBSTER, M.D. TO RESPOND TO PLAINTIFFS' COMPLAINT, FILED 03/07/2018, IS GRANTED.

ALL DEFENDANTS HAVE UNTIL 4:30 ON 05/31/2018 TO RESPOND TO PLAINTIFFS' COMPLAINT.

Judge Signature 03/21/2018

03/21/2018

RECEIVED FOR FILING
03/21/2018 14:23:00
NAILAH K. BYRD, CLERK

**NAILAH K. BYRD**
**CUYAHOGA COUNTY CLERK OF COURTS**
**1200 Ontario Street**
**Cleveland, Ohio 44113**

## Court of Common Pleas

**NOTICE OF APPEARANCE**
**March 23, 2018 14:16**

By: JORDAN D. RAUCH 0093389

Confirmation Nbr. 1335765

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.

CV 18 893314

vs.

**Judge:** MICHAEL J. RUSSO

PURDUE PHARMA, L.P., ET AL

**Pages Filed:** 2

**IN THE COURT OF COMMON PLEAS**
**CUYAHOGA COUNTY, OHIO**

| | | |
|---|---|---|
| **MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.,** | ) | |
| **Plaintiffs,** | ) | **Case No. cv 18 893314** |
| **v.** | ) | **Judge Michael J. Russo** |
| **PURDUE PHARMA L.P.,** | ) | |
| **Defendants.** | ) | |

**NOTICE OF APPEARANCE**

Please take notice that O. Judson Scheaf III and Jordan D. Rauch of the law firm of Hahn Loeser & Parks LLP, 65 East State Street, Suite 1400, Columbus, Ohio 43215, hereby enter their appearance as counsel for Defendant Dr. Russell Portenoy ("Dr. Portenoy"). By filing this Notice of Appearance, the undersigned are specifically reserving Dr. Portenoy's right to assert any and all objections and defenses including those based on due process or personal jurisdiction considerations.

Respectfully submitted,

O. Judson Scheaf, III (OH Bar #0040285)
Jordan D. Rauch (OH Bar #0093389)
Hahn Loeser & Parks LLP
65 East State Street, Suite 1400
Columbus, Ohio 43215
Telephone: (614) 233-5190
Facsimile: (614) 233-5909
Email: JScheaf@hahnlaw.com
Email: jrauch@hahnlaw.com

*Counsel for Defendant, Russell Portenoy, M.D.*


Electronically Filed 03/23/2018 14:16 / NOTICE / CV 18 893314 / Confirmation Nbr. 1335765 / CLDLJ

**CERTIFICATE OF SERVICE**

The Undersigned certifies that on the 23rd day of March 2018, I electronically filed the foregoing *Notice of Appearance of O. Judson Scheaf III and Jordan D. Rauch* with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

Jordan D. Rauch

*One of the Attorneys for Defendant*
*Russell Portenoy, M.D.*





Electronically Filed 03/23/2018 14:16 / NOTICE / CV 18 893314 / Confirmation Nbr. 1335765 / CLDLJ

**NAILAH K. BYRD**
**CUYAHOGA COUNTY CLERK OF COURTS**
**1200 Ontario Street**
**Cleveland, Ohio 44113**

## Court of Common Pleas

**NOTICE OF**
**March 23, 2018 15:41**

By: JORDAN D. RAUCH 0093389

Confirmation Nbr. 1336009

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.

CV 18 893314

vs.

**Judge:** MICHAEL J. RUSSO

PURDUE PHARMA, L.P., ET AL

**Pages Filed:** 2

**IN THE COURT OF COMMON PLEAS**
**CUYAHOGA COUNTY, OHIO**

| | |
|---|---|
| MINUTE MEN, INC. AND MINUTE MEN SELECT, INC., Plaintiffs, v. PURDUE PHARMA L.P., et al., Defendants. | Case No. cv 18 893314<br><br>**Judge Michael J. Russo**<br><br>**JOINT NOTICE OF DISMISSAL** |

IT IS HEREBY NOTICED, by the undersigned as counsel for Plaintiffs, Minute Men, Inc. and Minute Men Select, Inc., and undersigned counsel for Defendant Russell Portenoy, M.D., pursuant to Ohio Rule of Civil Procedure 41(A)(1)(a), that Russell Portenoy is dismissed from the above captioned matter, without prejudice. Neither party is entitled to interest, costs, or attorneys' fees. No further action shall lie for the same cause.

Dated: March 23, 2018

**Napoli Shkolnik PLLC**

*/s/ Paul J. Napoli [per authority]*
Paul J. Napoli
400 Broad Hollow Road
Suite 305
Melville, NY 11747
Tel. (212) 397-1000
pnapoli@napolilaw.com
*Attorneys for Plaintiff, Minute Men, Inc. and Minute Men Select, Inc.*

**HAHN LOESER & PARKS LLP**

*/s/ Jordan D. Rauch*
O. Judson Scheaf III (0040285)
Jordan D. Rauch (0093389)
65 East State Street, Suite 1400
Columbus, Ohio 43215
Tel. (614) 233-5169
jscheaf@hahnlaw.com
jrauch@hahnlaw.com

*Attorneys for Defendant Russell Portenoy, M.D.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 23rd day of March 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

*/s/ Jordan D. Rauch* _ ____
Jordan D. Rauch

*Counsel for Defendant*
*Russell Portenoy, M.D.*



10056243
Electronically Filed 03/23/2018 15:41 / NOTICE / CV 18 893314 / Confirmation Nbr. 1336009 / BATCH

103085853

# IN THE COURT OF COMMON PLEAS
# CUYAHOGA COUNTY, OHIO

MINUTE MEN, INC. AND MINUTE MEN SELECT, INC.
Plaintiff

PURDUE PHARMA, L.P., ET AL
Defendant

Case No: CV-18-893314

Judge: MICHAEL J RUSSO

## JOURNAL ENTRY

87 DIS. W/O PREJ - PARTIAL

UPON NOTICE BY THE PARTIES, EFFECTIVE 03/23/2018K, ALL CLAIMS BY PLAINTIFF AGAINST DEFENDANT RUSSELL PORTENOY, MD, ONLY ARE DISMISSED WITHOUT PREJUDICE PURSUANT TO CIV.R.41(A). PARTIAL.

Michael J Russo

Judge Signature 03/26/2018

- 87
03/23/2018

RECEIVED FOR FILING
03/26/2018 11:22:39
NAILAH K. BYRD, CLERK

JS 44 (Rev. 06/17)

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

## I. (a) PLAINTIFFS

Minute Men, Inc. and Minute Men Select, Inc., on behalf of itself and all others similarly situated

**(b)** County of Residence of First Listed Plaintiff Cuyahoga
*(EXCEPT IN U.S. PLAINTIFF CASES)*

**(c)** Attorneys *(Firm Name, Address, and Telephone Number)*

See attachment.

## DEFENDANTS

Purdue Pharma L.P., et al. See attachment.

County of Residence of First Listed Defendant
*(IN U.S. PLAINTIFF CASES ONLY)*

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

See attachment.

## II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ❒ 1 U.S. Government Plaintiff
- ❒ 2 U.S. Government Defendant
- ❒ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

## III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

*(For Diversity Cases Only)*

| | PTF | DEF | | PTF | DEF |
|---|---|---|---|---|---|
| Citizen of This State | ❒ 1 | ❒ 1 | Incorporated *or* Principal Place of Business In This State | ☒ 4 | ❒ 4 |
| Citizen of Another State | ❒ 2 | ❒ 2 | Incorporated *and* Principal Place of Business In Another State | ❒ 5 | ☒ 5 |
| Citizen or Subject of a Foreign Country | ❒ 3 | ❒ 3 | Foreign Nation | ❒ 6 | ❒ 6 |

## IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

**CONTRACT**
- ❒ 110 Insurance
- ❒ 120 Marine
- ❒ 130 Miller Act
- ❒ 140 Negotiable Instrument
- ❒ 150 Recovery of Overpayment & Enforcement of Judgment
- ❒ 151 Medicare Act
- ❒ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ❒ 153 Recovery of Overpayment of Veteran's Benefits
- ❒ 160 Stockholders' Suits
- ❒ 190 Other Contract
- ❒ 195 Contract Product Liability
- ❒ 196 Franchise

**REAL PROPERTY**
- ❒ 210 Land Condemnation
- ❒ 220 Foreclosure
- ❒ 230 Rent Lease & Ejectment
- ❒ 240 Torts to Land
- ❒ 245 Tort Product Liability
- ❒ 290 All Other Real Property

**TORTS**

PERSONAL INJURY
- ❒ 310 Airplane
- ❒ 315 Airplane Product Liability
- ❒ 320 Assault, Libel & Slander
- ❒ 330 Federal Employers' Liability
- ❒ 340 Marine
- ❒ 345 Marine Product Liability
- ❒ 350 Motor Vehicle
- ❒ 355 Motor Vehicle Product Liability
- ☒ 360 Other Personal Injury
- ❒ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ❒ 365 Personal Injury - Product Liability
- ❒ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ❒ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ❒ 370 Other Fraud
- ❒ 371 Truth in Lending
- ❒ 380 Other Personal Property Damage
- ❒ 385 Property Damage Product Liability

**CIVIL RIGHTS**
- ❒ 440 Other Civil Rights
- ❒ 441 Voting
- ❒ 442 Employment
- ❒ 443 Housing/ Accommodations
- ❒ 445 Amer. w/Disabilities - Employment
- ❒ 446 Amer. w/Disabilities - Other
- ❒ 448 Education

**PRISONER PETITIONS**

Habeas Corpus:
- ❒ 463 Alien Detainee
- ❒ 510 Motions to Vacate Sentence
- ❒ 530 General
- ❒ 535 Death Penalty

Other:
- ❒ 540 Mandamus & Other
- ❒ 550 Civil Rights
- ❒ 555 Prison Condition
- ❒ 560 Civil Detainee - Conditions of Confinement

**FORFEITURE/PENALTY**
- ❒ 625 Drug Related Seizure of Property 21 USC 881
- ❒ 690 Other

**LABOR**
- ❒ 710 Fair Labor Standards Act
- ❒ 720 Labor/Management Relations
- ❒ 740 Railway Labor Act
- ❒ 751 Family and Medical Leave Act
- ❒ 790 Other Labor Litigation
- ❒ 791 Employee Retirement Income Security Act

**IMMIGRATION**
- ❒ 462 Naturalization Application
- ❒ 465 Other Immigration Actions

**BANKRUPTCY**
- ❒ 422 Appeal 28 USC 158
- ❒ 423 Withdrawal 28 USC 157

**PROPERTY RIGHTS**
- ❒ 820 Copyrights
- ❒ 830 Patent
- ❒ 835 Patent - Abbreviated New Drug Application
- ❒ 840 Trademark

**SOCIAL SECURITY**
- ❒ 861 HIA (1395ff)
- ❒ 862 Black Lung (923)
- ❒ 863 DIWC/DIWW (405(g))
- ❒ 864 SSID Title XVI
- ❒ 865 RSI (405(g))

**FEDERAL TAX SUITS**
- ❒ 870 Taxes (U.S. Plaintiff or Defendant)
- ❒ 871 IRS—Third Party 26 USC 7609

**OTHER STATUTES**
- ❒ 375 False Claims Act
- ❒ 376 Qui Tam (31 USC 3729(a))
- ❒ 400 State Reapportionment
- ❒ 410 Antitrust
- ❒ 430 Banks and Banking
- ❒ 450 Commerce
- ❒ 460 Deportation
- ❒ 470 Racketeer Influenced and Corrupt Organizations
- ❒ 480 Consumer Credit
- ❒ 490 Cable/Sat TV
- ❒ 850 Securities/Commodities/ Exchange
- ❒ 890 Other Statutory Actions
- ❒ 891 Agricultural Acts
- ❒ 893 Environmental Matters
- ❒ 895 Freedom of Information Act
- ❒ 896 Arbitration
- ❒ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ❒ 950 Constitutionality of State Statutes

## V. ORIGIN *(Place an "X" in One Box Only)*

- ❒ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ❒ 3 Remanded from Appellate Court
- ❒ 4 Reinstated or Reopened
- ❒ 5 Transferred from Another District *(specify)*
- ❒ 6 Multidistrict Litigation - Transfer
- ❒ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 U.S.C. sections 1332, 1441,1446, and 1453.

Brief description of cause:
Plaintiffs allege that the manufacturer defendants misrepresented the risks of FDA-approved opioid medications.

## VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

**DEMAND $**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ❒ No

## VIII. RELATED CASE(S) IF ANY

*(See instructions):*

JUDGE Dan Aaron Polster DOCKET NUMBER 1:17-md-02804

DATE 03/26/2018

SIGNATURE OF ATTORNEY OF RECORD /s/ Carole S. Rendon

**FOR OFFICE USE ONLY**

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

# UNITED STATES DISTRICT COURT
# NORTHERN DISTRICT OF OHIO

**I.** Civil Categories: (Please check one category only).

1. ☑ General Civil
2. ☐ Administrative Review/Social Security
3. ☐ Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

**II.** **RELATED OR REFILED CASES**. See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regardfor the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: ☑ is **RELATED** to another **PENDING** civil case ☐ is a **REFILED** case ☐ was **PREVIOUSLY REMANDED**

**If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.**

**III.** In accordance with Local Civil Rule **3.8**, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

**COUNTY:**

Corporation **For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.**

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

**COUNTY:** Cuyahoga

(3) **Other Cases**. If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

**COUNTY:**

**IV.** The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section **III**, please check the appropriate division.

**EASTERN DIVISION**

| | | |
|---|---|---|
| ☐ | **AKRON** | **(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)** |
| ☑ | **CLEVELAND** | **(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)** |
| ☐ | **YOUNGSTOWN** | **(Counties: Columbiana, Mahoning and Trumbull)** |

**WESTERN DIVISION**

| | | |
|---|---|---|
| ☐ | **TOLEDO** | **(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)** |

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I.(a)** **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

**(b)** **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

**(c)** **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II.** **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

**III.** **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV.** **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

**V.** **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

**VI.** **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

**VII.** **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII.** **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# ATTACHMENT TO CIVIL COVER SHEET

The following chart lists the plaintiffs in this action, as well as their attorneys to the extent known.

| Plaintiffs | Attorneys |
|---|---|
| Minute Men, Inc.<br>Minute Men Select, Inc. | Frank Gallucci (0072680)<br>PLEVIN & GALLUCCI COMPANY, L.P.A.<br>55 Public Square<br>Suite 2222<br>Cleveland, OH 44113<br>(216) 861-0804<br><br>Paul J. Napoli<br>Joseph L. Ciaccio<br>Salvatore Badala<br>NAPOLI SHKOLNIK PLLC<br>400 Broadway Road, Suite 350<br>Melville, NY 11747<br>(212) 397-1000<br><br>James A. Marniella (0073449)<br>DEMER & MARNIELLA, LLC<br>2 Berea Commons, Suite 200<br>Berea, OH 44017<br>(440) 891-1644 |

The following chart lists the defendants in this action, as well as their attorneys to the extent known.

| Defendant | Attorneys |
|---|---|
| Endo Pharmaceuticals Inc.<br>Endo Health Solutions Inc. | Carole S. Rendon (0070345)<br>Tera N. Coleman (0090544)<br>BAKER & HOSTETLER LLP<br>Key Tower<br>127 Public Square, Suite 2000<br>Cleveland, OH 44114-1214<br>(216) 696-0740<br>crendon@bakerlaw.com<br>tcoleman@bakerlaw.com<br><br>Ingo W. Sprie, Jr.*<br>ARNOLD & PORTER KAYE SCHOLER LLP<br>250 West 55th Street<br>New York, NY 10019-9710 |

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| | (212) 836-8000<br>Ingo.Sprie@apks.com<br><br>Sean Morris*<br>ARNOLD & PORTER KAYE SCHOLER LLP<br>777 S. Figueroa Street<br>44th Floor<br>Los Angeles, CA 90017<br>(213) 243-4000<br>Sean.Morris@apks.com<br>** denotes national counsel who will seek pro hac vice admission* |
| Purdue Pharma L.P.<br>Purdue Pharma Inc.<br>The Purdue Frederick Company Inc. | Daniel J. Buckley (3772)<br>VORYS, SATER, SEYMOUR and PEASE LLP<br>301 East Fourth Street<br>Suite 3500, Great American Tower<br>Cincinnati, OH 45202<br>(513) 723-4002<br>djbuckley@vorys.com<br><br>Patrick J. Fitzgerald*<br>R. Ryan Stoll*<br>SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP<br>4 Times Square<br>New York, NY 10036<br>(212) 735-3000<br>patrick.fitzgerald@skadden.com<br>ryan.stoll@skadden.com<br><br>-and-<br><br>155 North Wacker Drive<br>Chicago, IL 60606<br>(312) 407-0700<br>** denotes national counsel who will seek pro hac vice admission* |
| Teva Pharmaceuticals USA, Inc.<br>Cephalon, Inc.<br>Watson Laboratories, Inc.<br>Actavis LLC<br>Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. | Wendy West Feinstein (0064973)<br>MORGAN, LEWIS & BOCKIUS LLP<br>One Oxford Centre, 32nd Floor<br>Pittsburgh, PA 15219-6401<br>(412) 560-7455<br>wendy.feintein@morganlewis.com |

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|---|---|
| | Tinos Diamantatos*<br>MORGAN, LEWIS & BOCKIUS LLP<br>77 West Wacker Drive<br>Chicago, IL 60601-5094<br>(312) 324-1145<br>tinos.diamantatos@morganlewis.com<br><br>Steven A. Reed*<br>MORGAN, LEWIS & BOCKIUS LLP<br>1701 Market Street<br>Philadelphia, PA 19103<br>(215) 963-5000<br>steven.reed@morganlewis.com<br><br>Brian M. Ercole*<br>MORGAN, LEWIS & BOCKIUS LLP<br>200 S. Biscayne Blvd., Suite 5300<br>Miami, FL 33131-2339<br>brian.ercole@morganlewis.com<br>** denotes national counsel who will seek pro hac vice admission* |
| Johnson & Johnson<br>Janssen Pharmaceuticals, Inc.<br>Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.<br>Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc. | John Q. Lewis (0067235)<br>Justin E. Rice (0080587)<br>TUCKER ELLIS LLP<br>950 Main Avenue, Suite 1100<br>Cleveland, OH 44113-7213<br>Telephone: (216) 592-5000<br>Facsimile: (216) 592-5009<br>john.lewis@tuckerellis.com<br><br>Charles C. Lifland*<br>O'MELVENY & MYERS LLP<br>400 S. Hope Street<br>Los Angeles, CA 90071<br>(213) 430-6000<br>clifland@omm.com<br>** denotes national counsel who will seek pro hac vice admission* |
| Allergan plc f/k/a Actavis plc<br>Actavis, Inc. n/k/a Allergan Finance, LLC f/k/a Watson Pharmaceuticals, Inc. | John R. Mitchell (#0066759)<br>Stacey A. Greenwell (#0077909)<br>Andrea B. Daloia (#0074106)<br>THOMPSON HINE LLP<br>3900 Key Center<br>127 Public Square<br>Cleveland, OH 44114-1291 |

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|---|---|
| | Telephone: 216-556-5500<br>Facsimile: 216-556-5800<br>John.Mitchell@ThompsonHine.com<br>Stacey.Greenwell@ThompsonHine.com<br>Andrea.Daloia@ThompsonHine.com<br><br>Donna Welch, P.C.*<br>Martin L. Roth*<br>Timothy Knapp*<br>KIRKLAND & ELLIS LLP<br>300 North LaSalle<br>Chicago, Illinois 60654<br>(312) 862-2000<br>donna.welch@kirkland.com<br>martin.roth@kirkland.com<br>timothy.knapp@kirkland.com<br><br>Jennifer G. Levy, P.C.*<br>KIRKLAND & ELLIS LLP<br>655 Fifteenth Street, NW<br>Washington, DC 20005<br>(202) 879-5000<br>jennifer.levy@kirkland.com<br>** denotes national counsel who will seek pro hac vice admission* |
| Insys Therapeutics, Inc | Eric H. Zagrans (0013108)<br>ZAGRANS LAW FIRM LLC<br>6100 Oak Tree Boulevard, Suite 200<br>Cleveland, Ohio 44131<br>(216) 771-1000 (telephone)<br>(866) 261-2008 (facsimile)<br>eric@zagrans.com (e-mail)<br><br>J. Matthew Donohue* (Trial Attorney)<br>Joseph L. Franco*<br>HOLLAND & KNIGHT LLP<br>2300 U.S. Bancorp Tower<br>111 S.W. Fifth Avenue<br>Portland, OR 97204<br>Telephone: 503.243.2300<br>Facsimile: 503.241.8014<br>matt.donohue@hklaw.com<br>joe.franco@hklaw.com<br>** denotes national counsel who will seek pro hac vice admission* |

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|---|---|
| McKesson Corporation | Vincent I. Holzhall (0074901)<br>STEPTOE & JOHNSON PLLC<br>41 South High Street, Suite 2200<br>Columbus, OH 43215<br>Telephone: (614) 221-5100<br>Facsimile: (614) 221-0952<br>vince.holzhall@steptoe-johnson.com |
| Cardinal Health, Inc. | James B. Hadden (0059315)<br>Joseph F. Murray (0063373)<br>Brian K. Murphy (0070654)<br>MURRAY, MURPHY, MOUL & BASIL<br>1114 Dublin Road<br>Columbus, OH 43215<br>614-488-0400<br>hadden@mmmb.com<br>murray@mmmb.com<br>murphy@mmmb.com |
| AmerisourceBergen Corporation | Mark W. Bernlohr #0038640<br>Sandra K. Zerrusen #0070883<br>Aaron E. McQueen #0068753<br>Andrew N. Schock #0087998<br>JACKSON KELLY PLLC<br>50 South Main Street, Suite 201<br>Akron, OH 44308<br>Phone: (330) 252-9060<br>Facsimile: (330) 252-9078<br>mwbernlohr@jacksonkelly.com<br>skzerrusen@jacksonkelly.com<br>aaron.mcqueen@jacksonkelly.com<br>anschock@jacksonkelly.com<br><br>Robert A. Nicholas<br>Shannon E. McClure<br>REED SMITH LLP<br>1717 Arch Street, Suite 3100<br>Philadelphia, PA 19103<br>(215) 851-8100<br>rnicholas@reedsmith.com<br>smcclure@reedsmith.com<br><br>Alvin L. Emch<br>JACKSON KELLY PLLC<br>500 Lee Street, East, Suite 1600 |

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|---|---|
| | P.O. Box 553<br>Charleston, WV 25322<br>(304) 340-1000<br>aemch@jacksonkelly.com |
| Russell Portenoy | O. Judson Scheaf, III (0040285)<br>Jordan D. Rauch (0093389)<br>HAHN LOESER & PARKS LLP<br>65 East State Street, Suite 1400<br>Columbus, Ohio 43215<br>(614) 233-5190<br>JScheaf@hahnlaw.com<br>JRauch@hahnlaw.com |
| Perry Fine<br>Scott Fishman<br>Lynn Webster | Greg Brunton (0061722)<br>Tyler Tarney (0089082)<br>Daniel Hyzak (0091298)<br>GORDON & REES LLP<br>41 South High Street, Suite 2495<br>Columbus, Ohio 43215<br>T: (614) 340-5558; F: (614) 360-2130<br>gbrunton@grsm.com<br>ttarney@grsm.com<br>dhyzak@grsm.com |